



CHAPTER lxxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (Streets Buildings and Sewers). [4th August 1926.]

A.D. 1926.
—

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63 Vict.
c. 47.

Be it therefore enacted by the King'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 shall be and the same is hereby confirmed.

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act 1926.

Short title.

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SCHEDULE.

EDINBURGH CORPORATION (STREETS
BUILDINGS AND SEWERS).

Provisional Order to consolidate with amendments the Acts and Orders of or relating to the Corporation of the city and royal burgh of Edinburgh in so far as pertaining to the Dean of Guild Court to the regulation control and administration of streets buildings sewers drains streams watercourses sky signs and advertisements and other cognate matters and to the river or stream known as the Water of Leith ; to confer further powers upon the Corporation in respect of these matters and for other purposes.

WHEREAS the lord provost magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government of the city and royal burgh of Edinburgh (hereinafter referred to as "the city") and are the local authority therein for police public health road sanitary and other purposes under among others the Edinburgh Municipal and Police Acts 1879 to 1924 :

And whereas by virtue of the provisions of the Edinburgh Boundaries Extension and Tramways Act 1920 the undertaking of the Water of Leith Purification and Sewerage Commissioners was transferred to and vested in the Corporation and the said commission was dissolved and the Corporation were constituted the authority for carrying the Water of Leith Purification and Sewerage Acts 1889 to 1908 into execution in lieu and place of the said commissioners :

And whereas the Acts and Orders relating to the Dean of Guild Court of the city to the regulation control and administration of streets buildings sewers drains streams watercourses sky signs advertisements and other cognate matters and to the river or stream known as the Water of Leith are very numerous and many of their provisions have been superseded by subsequent legislation and ought to be repealed and it would be of

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public and local advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments and additions into one Order :

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And whereas it is expedient at the same time to extend in various respects the powers of the Corporation relating to matters comprised in those enactments :

And whereas it is expedient that the other powers contained in this Order should be conferred upon the Corporation :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

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

PART I.

PRELIMINARY.

1. This Order may be cited as the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 and the Edinburgh Municipal and Police Acts 1879 to 1924 and this Order and any other Order of the Secretary for Scotland relating to the Corporation confirmed during the present Session of Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 may be cited as the Edinburgh Municipal and Police Acts 1879 to 1926.

Short and collective titles.

2. This Order is divided into Parts as follows :—

Division of Order into Parts.

- Part I.—Preliminary.
- Part II.—Dean of Guild Court.
- Part III.—Buildings.
- Part IV.—Streets.
- Part V.—Sewers and drains.
- Part VI.—Watercourses streams &c.
- Part VII.—Water of Leith.
- Part VIII.—Sky signs and advertisements.
- Part IX.—Miscellaneous.
- Part X.—Repeal of Acts and savings.

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Commence-
ment of
Order.

3. This Order shall commence and have effect as from the fifteenth day of May one thousand nine hundred and twenty-seven which date is hereinafter referred to as "the commencement of this Order."

Interpre-
tation.

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

"Act of 1879" means the Edinburgh Municipal and Police Act 1879;

"Act of 1889" means the Water of Leith Purification and Sewerage Act 1889;

"Act of 1920" means the Edinburgh Boundaries Extension and Tramways Act 1920;

"Building" shall include any structure or erection of what kind or nature soever whether temporary or permanent or any part thereof;

"Carriageway" means the part of the street between the footways on either side thereof or the adjoining lands or buildings where there is no footway;

"Centre of street" or "centre line of street" means:—

(A) Where under this Order provision is made for ascertaining the centre line of a street the centre line of such street as so fixed and ascertained;

(B) Where a street has not been widened or has been widened on both sides to an equal extent and the centre line has not been fixed or determined under this Order the actual centre line of such street;

(C) Where a street has been widened on one side only or on both sides to an unequal extent and the centre line has not been fixed or determined under this Order the centre line of the street shall be such line as the Corporation having regard to all the circumstances may fix as the centre line;

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- “ City ” means the city and royal burgh of Edinburgh according to the boundaries thereof at the commencement of this Order; A.D. 1926.
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- “ Corporation ” means the lord provost magistrates and council of the city;
- “ Court ” where by the context it applies to a space contiguous to buildings means a court or recess or area forming a common access to lands and heritages separately occupied including any common passage or entrance thereto;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction;
- “ Dock commission ” means the commissioners for the harbour and docks of Leith;
- “ Dwelling-house ” means a house used or constructed or adapted to be used wholly or principally for human habitation;
- “ Edinburgh Municipal and Police Acts ” means the Edinburgh Municipal and Police Acts 1879 to 1924 the Edinburgh Corporation Stock Act 1894 (as amended by the Edinburgh Improvement and Tramways Act 1896 the Edinburgh Corporation Act 1906 and the Order of 1921) and this Order;
- “ Existing ” means existing immediately previous to the commencement of this Order;
- “ Hollow square ” means and includes any square parallelogram triangle polygon circle or other 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 entirely enclose the interior space;
- “ Footway ” means the foot pavement or footpath forming the part of the street between the carriageway and the adjoining lands or buildings;

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- “Lands and heritages” and “lands or heritages” means lands and heritages as defined in the Acts in force for the time being relating to the valuation of lands and heritages;
- “Mills and other works” means and includes all the paper mills manufactories scouring and dye works bleachfields skinneries tanneries laundries glue works distilleries and all other works and buildings situate on or adjacent to the banks of or draining into the river or which may after the commencement of this Order be erected or established on or adjacent to the river;
- “Mill leads” means the mill leads connected with the river;
- “New dwelling-house” means a dwelling-house erected or re-constructed after the commencement of this Order and includes any building used or intended to be used as a dwelling-house after the commencement of this Order and which had not previously been so used;
- “Order of 1908” means the Water of Leith Purification and Sewerage Order 1908;
- “Order of 1921” means the Edinburgh Corporation Order 1921;
- “Occupier” includes the actual occupier or tenant or sub-tenant;
- “Owner” means and includes joint-owner fiar life-renter feuar bondholder in possession or other person in actual possession or receipt of the rents of lands and heritages and the factor agent or commissioner of such persons or any of them or any other person who shall intromit with or draw the rents;
- “Private street” means any street or part thereof other than a public street (not being or forming part of any harbour dock quay wharf railway railway station or depot or of any canal);
- “Public Health Acts” means the Public Health (Scotland) Act 1897 and any Acts amending or extending the same;
- “Public street” means any street or part thereof which at the commencement of this Order is

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wholly maintained by the Corporation or the maintenance of which the Corporation may after the commencement of this Order undertake or assume; A.D. 1926.

“River” means and includes the Water of Leith and its tributaries;

“Self-contained dwelling-house” means a dwelling-house in one occupancy from the ground upwards to the roof;

“Sewerage undertaking” means and includes (A) all the sewers of the Corporation whether within or beyond the city together with all manways surface gratings and other accesses 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 (B) the undertaking of the Water of Leith Commissioners which was transferred to and vested in the Corporation under the provisions of the Act of 1920 and (C) all surface water drains of the Corporation whether constructed under the provisions of the Water of Leith Acts or otherwise;

“Sheriff” means the sheriff of the Lothians and Peebles and except where expressly limited to the sheriff includes his substitutes or any one of them;

“Street” means and includes any highway road bridge square lane footpath close court or passage (not being or forming part of any harbour dock quay wharf railway railway station or depot or of any canal) or any part thereof open to be used by the public and whether the same is a thoroughfare or not;

“Surface water” means rain spring and subsoil water that has not been impounded and used

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for domestic manufacturing or other purposes and thereby polluted;

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

“Valuation roll” means the valuation roll made up in pursuance of the Acts in force for the time being relating to the valuation of lands and heritages and any supplementary valuation roll made up in accordance with the said Acts and the Edinburgh Municipal and Police Acts;

“Water of Leith” means the Water of Leith from the point at which it discharges from Harperrig Reservoir in the parishes of Mid-Calder and Kirknewton to the sea or Firth of Forth;

“Water of Leith Acts” means the Water of Leith Purification and Sewerage Acts 1889 to 1908 and any Act or Order amending or extending the same;

“Water of Leith Commissioners” means the Water of Leith Purification and Sewerage Commissioners incorporated by the Water of Leith Acts;

“Water of Leith Undertaking” means the undertaking of the Water of Leith Commissioners now vested in the Corporation;

“Width” in relation to a street means the width of the carriageway and footways taken together.

And the words and expressions defined in the Edinburgh Municipal and Police Acts 1879 to 1924 shall if and when used in this Order and when not inconsistent with the above definitions or with any of the provisions of this Order respectively have the same respective meanings as in the said Edinburgh Municipal and Police Acts.

Incorporation of
Lands
Clauses
Acts.

5. The Lands Clauses Acts are subject to the provisions of this Order incorporated with and shall form part of this Order.

PART II.

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DEAN OF GUILD COURT.

6. The Dean of Guild Court of the city shall consist of fifteen members as follows (that is to say):—

Constitu-
tion of
Court.

- (1) The Lord Dean of Guild appointed by the guildry of the city as use is;
- (2) Seven persons who shall be town councillors of the city of whom two shall be town councillors representing the Leith District of the city; and
- (3) Seven persons not being town councillors of the city who shall be registered electors of the city of whom five shall be persons carrying on or who have carried on business as architects civil engineers surveyors or master builders.

7. The members of the Dean of Guild Court other than the Lord Dean of Guild shall be appointed by the Corporation at the meeting held on the Friday immediately succeeding the day of each annual municipal election or at any adjournment of such meeting.

Appoint-
ment of
members.

8. The members of the Dean of Guild Court shall hold office for one year provided as follows:—

Tenure of
office.

- (1) A member of the court being a member of the Corporation shall cease to hold office when he ceases to be a member of the Corporation:
- (2) A member of the court shall cease to hold office if he fails to attend any meetings of the court for a period of three consecutive months without leave of absence from the court:
- (3) A member of the court shall not sit or act as a member when any matter in which he is personally interested is under consideration.

9. In the event of any vacancy in the membership of the Dean of Guild Court arising on account of death resignation incapacity or disqualification of any member other than the Lord Dean of Guild such vacancy may be filled up ad interim by the Corporation but the said court may act notwithstanding any vacancy or deficiency in their number so long as a quorum remains in office.

Vacancies.

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Dean of
Guild to
preside.

10. The Lord Dean of Guild shall preside at all meetings of the Dean of Guild Court at which he is present. In the event of his absence from any meeting of the court the members present shall appoint one of their number to preside at such meeting and act as Interim Dean of Guild. The Lord Dean of Guild or the president of the court for the time being shall have both a deliberative and in case of equality a casting vote in all matters which come before the court.

Quorum.

11. Five members of the Dean of Guild Court shall form a quorum.

Courts to
be held.

12. Dean of Guild Courts shall be held from time to time and as often as may be necessary at such convenient place or places within the city as the Dean of Guild Court may appoint.

Powers of
Court.

13. The Dean of Guild Court shall possess and exercise within the city all the rights powers privileges functions and jurisdictions which are possessed and exercised at common law or by usage by Dean of Guild Courts in royal burghs in Scotland or by the existing Dean of Guild Court or are conferred by this Order or by any Act of Parliament in force within the city for the time being.

Master of
Works.

14.—(1) The Corporation may appoint upon such terms and conditions as they may deem reasonable a master of works in connection with the Dean of Guild Court and such master of works may hold the office of burgh engineer or any other office or employment under the Corporation. The master of works may with the approval of the Corporation appoint a person to act for him as his depute.

(2) The master of works shall report to the Dean of Guild Court upon all plans lodged with petitions or applications to the court and shall see that the warrants granted or orders made by the court are duly carried into execution. He shall from time to time inspect all works in progress in execution of plans for which warrant has been granted by the court and shall report to the procurator fiscal of the court any deviation therefrom. He shall also perform any other duties which he may be

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required to perform by the Corporation or the court or by this Order. A.D. 1926.

(3) The master of works shall not engage directly or indirectly in any service or employment other than that of the Corporation or the Dean of Guild Court nor save as aforesaid shall he be connected directly or indirectly with or interested in any contract or works belonging to any branch of the building trades nor give any assistance or receive any fees in connection with plans to be submitted to the court. The provisions of this subsection shall also apply to all members of the staff of the master of works.

15. The Corporation may appoint upon such terms and conditions as they may deem reasonable a clerk of the Dean of Guild Court and such clerk may with the approval of the Corporation appoint a person to act for him as his depute. Clerk of court.

16. The Corporation may appoint upon such terms and conditions as they may deem reasonable a procurator fiscal of the Dean of Guild Court and such procurator fiscal may with the approval of the Corporation appoint a person to act for him as his depute. The Corporation may appoint the procurator fiscal of the burgh court or the prosecutor in the police court to act as procurator fiscal of the Dean of Guild Court. Procurator Fiscal of Court.

17. The Corporation may appoint upon such terms and conditions as they may deem reasonable a legal assessor or legal assessors to advise the Dean of Guild Court on questions of law. In the event of the legal assessor or legal assessors so appointed not being available at any time the clerk of the Dean of Guild Court may with the approval of the town clerk appoint an interim legal assessor. Legal assessor.

18. The Corporation may appoint upon such terms and conditions as they may deem reasonable such other officers of the Dean of Guild Court as they may consider necessary. Court officers and other officials.

19. Every proceeding before the Dean of Guild Court shall commence by an application or petition in writing or in print or partly in writing and partly in print and the subsequent steps except where otherwise specially Proceedings before court.

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Rules for conduct of business. 20. The Dean of Guild Court with the approval of the Corporation may from time to time prescribe rules for the conduct of the business of the court or with reference to the following matters :—

- (1) The dates of the meetings of the court;
- (2) The number of days that must elapse between the presentation or service of any petition or application and the sitting of the court at which it is to be considered;
- (3) The persons on whom any petition application or deliverance should be served;
- (4) The plans to be submitted along with any petition or application;
- (5) Any other matters relating to forms of procedure; and
- (6) The duties of the clerk and other officers of the court;

and may from time to time vary or alter such rules.

Citation may be signed. 21. Any warrant of citation or service requiring any person to attend at or to answer any matter or thing before the Dean of Guild Court and any incidental order of the said court may be signed by the Lord Dean of Guild or Interim Dean of Guild or by the clerk of the court or his depute.

Court may fix fees. 22. The Dean of Guild Court shall from time to time fix such fees as they may consider sufficient to be paid to the clerk of the court by parties appearing before the court according to a scale to be drawn up by the said court which scale shall be subject to approval by the auditor of the Court of Session.

Payment of fees and fines. 23. All fees and fines imposed by the Dean of Guild Court shall be paid to the clerk of the court who shall keep an account of the same and shall pay over the entire proceeds thereof to the city chamberlain.

Application of fees and fines. 24. The fees received and fines imposed by the Dean of Guild Court may be applied by the Corporation towards payment of the salaries of the officers of the

court and the expenses of the court and any surplus after paying the salaries and expenses shall be applied in relief of the burgh assessments under the second head of estimate of section 66 (Expenses to be estimated) of the Act of 1879 and in the event of the fees and fines not being sufficient to pay the salaries of the officers and the expenses of the court any deficiency shall be charged against the burgh assessments under the said second head of estimate.

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25. In all cases where the Dean of Guild Court decern for the expenses of any work or operations or for any other expenses sums of money fines damages or penalties they may also decern for the expenses of process over and above such expenses sums of money fines damages or penalties and all sums decerned for may be recovered by arrestment poinding and sale and where the Dean of Guild Court finds any person liable in payment of any sum of money or any expenses the court shall be entitled to give decree therefor in favour of the person to whom the money or expenses are payable.

Decree for expenses &c.

PART III.

BUILDINGS.

26. Subject to the provisions of this Order every person who proposes :—

Petition and plans to be lodged.

- (a) To erect re-erect add to or alter the structure of any building;
- (b) To take down or demolish any building;
- (c) To make any excavation for or in connection with any building;
- (d) To alter the use of any building and that whether structural alterations be proposed or not in any of the ways after mentioned (that is to say) :—
 - (i) To use for human habitation any building which had not previously been used for that purpose;
 - (ii) To alter the mode of occupancy of any dwelling-house in such a manner as to alter the number of separate occupiers;

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(iii) To sub-divide any dwelling-house so as to convert the same into two or more dwelling-houses;

shall present a petition to the Dean of Guild Court for warrant so to do and no such operation or other proceeding shall be carried out except upon and in strict conformity with a warrant of the said court :

Provided that it shall not be necessary for any railway company to obtain a warrant of the Dean of Guild Court for any building used or to be used for the purposes of their railway or canal unless—

- (1) such building fronts or abuts upon any street;
- (2) such building is a dwelling-house hotel or restaurant; or
- (3) such building has been erected or is proposed to be erected at the Waverley Station of the London and North Eastern Railway Company or on the railway lines or property adjoining Princes Street Gardens.

Provisions
with respect
to petitions.

27. The following provisions with respect to petitions to the Dean of Guild Court shall apply and have effect (that is to say) :—

- (1) The petition shall (a) give a short description of the proposed building or alteration or other operation (b) state the site thereof (c) describe the materials proposed to be used in the construction of the external walls and roof (d) state the purpose for which the proposed building or alteration is intended to be used and (e) state the height and materials of any boundary wall or fence to be erected along the frontage to any street :
- (2) There shall be lodged with the petition a key plan of the site of the proposed operations which shall show the immediately coterminous properties and also the position width and name of any street court or footpath from which the property has access or upon which it abuts The key plan shall be drawn to a scale of not less than one-quarter of an inch to every ten feet :

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- (3) There shall also be lodged with the petition plans sections and elevations of the proposed building or alteration or other operation showing in detail the work which it is proposed to execute the height mode and materials of structure the lines of the intended drainage and the levels thereof relatively to the street court or footpath and to the sewer or drain with which the soil pipes and drains of the building to be erected or altered are intended to be connected the precautions proposed to be taken for the safety of the public or of adjoining property and in the case of any building used or to be used for the purposes or any of them mentioned in the section of this Order the marginal note of which is "Buildings for public meetings &c." the arrangements for ventilation and heating and ingress and egress The said plans sections and elevations (hereinafter in this Part of this Order referred to as "the plans") shall be drawn to a scale of not less than one and one-quarter inch to every ten feet : A.D. 1926.
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- (4) The petition shall be served upon the owners of any premises immediately adjacent to or abutting on the land belonging to the petitioner upon which the structure of any building is proposed to be erected re-erected added to or altered or other operation carried on and where the petitioner is not sole owner of such building then upon the whole of the other owners thereof The petition shall also be served upon the Corporation and the Corporation shall be entitled to appear thereon not only in respect of any patrimonial interest which they may have but also in the public interest The Dean of Guild Court may order the petition to be served also upon any person not named in the petition should the court deem it necessary or advisable to do so and also upon any person not named in the petition provided that such person can satisfy the court that prima facie he has an interest :
- (5) The clerk of the court shall on receiving any petition forthwith give notice thereof to the

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master of works who shall before the petition is heard examine the plans and the locus and report to the Dean of Guild Court thereon and the master of works shall draw the attention of the court to any matter which in his opinion is not in conformity with the provisions of this Order or with any relevant statutory enactment or byelaw.

Provisions
in regard to
warrants.

28.—(1) Every petition and the relative plans together with the report thereon by the master of works shall be considered by the Dean of Guild Court and the court may grant the petition in whole or in part subject to any conditions which they may deem necessary or expedient or the court may decline to grant warrant until satisfied that the plans provide suitably for strength of materials to be used stability mode of access light ventilation water-closets and water supply drainage and other sanitary requirements and precautions to be taken for the safety of the public or of adjoining property or the court may require such alterations to be made on the plans as are necessary to give effect to any valid objections stated by any respondent or to bring them into conformity with the requirements of the court or with the provisions of this Order or of any relevant statutory enactment or byelaw or may refuse the petition or deal with it otherwise as they may deem appropriate in the circumstances. The Dean of Guild Court shall also have power to cause a reasonable test to be made of the quality of any material proposed to be used in the construction of any building and if satisfied that the quality of such material is not suitable shall have power to prohibit the use thereof. The costs of such test shall be borne by the owner of such building and the Dean of Guild Court may decern for such costs against such owner.

(2) The material to be used in the construction of the outside walls or elevations of any building shall be subject to the reasonable approval of the Dean of Guild Court.

(3) In the case of any petition under the provisions of paragraph (d) of the section of this Order the marginal note whereof is "Petition and plans to be lodged" where no structural alterations are proposed the court may deal with the petition in such way and manner as they

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may deem appropriate in the circumstances or necessary or desirable in the public interest and they may require such structural alterations to be made as they may deem necessary or expedient and order the petitioner to submit plans of such alterations. The court may also decline to grant warrant in the case of any petition under the provisions of the said paragraph if they are of opinion that the proposals of the petition are not in conformity with the requirements of the court or with the provisions of this Order or of any relevant enactment or byelaw.

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(4) The period of endurance of a warrant of the Dean of Guild Court whether granted before or after the commencement of this Order shall be three years from the date of such warrant and the warrant shall cease to have effect after the expiration of that period except as regards any portion of the building alteration or work authorised by such warrant which is then completed. Provided that in exceptional cases the Dean of Guild Court at the time of granting the warrant may extend the period of endurance thereof to a period not exceeding five years from the date of the warrant. Provided also that the period of endurance of any warrant may in the discretion of the Dean of Guild Court be renewed for a period not exceeding three years from the date of renewal. Provided further that on the expiry of the period of endurance the Dean of Guild Court shall have power to order any incompleting building alteration or work to be taken down completed stopped up or otherwise dealt with as they may consider necessary or expedient but before making any such order the court shall give the owner of the property an opportunity of being heard and shall give a similar opportunity to any person appearing who satisfies the court that *prima facie* he has an interest.

(5) The person by whom or on whose order any building is being erected or altered or any work done if other than the petitioner in whose favour the warrant of the Dean of Guild Court has been granted for the doing thereof shall be liable for the due observance of the terms of such warrant and of the provisions of this Order or of any relevant byelaw or statutory enactment and shall be subject to any penalty that may be incurred in consequence of the neglect or violation thereof but

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(6) Where a warrant has been granted by the Dean of Guild Court prior to the commencement of this Order for the erection or alteration of any building such warrant shall remain in full force and effect during the currency thereof notwithstanding anything contained in this Order.

Alterations
on original
plans.

29. Any alterations required or approved of on plans as originally lodged in a process before the Dean of Guild Court shall be clearly marked thereon so as to distinguish them from the original proposals and the Dean of Guild Court may if they think proper require amended plans to be lodged in which case the plans which are superseded shall be marked cancelled by the clerk of the court and the plans as finally approved shall be docquetted as relative to the warrant and shall be signed by the Lord Dean of Guild or Interim Dean of Guild or by the clerk of the court or his depute and the plans so docquetted and signed shall be those in conformity with which the building shall be erected added to or altered.

Deviations
from
warrant.

30. If after a warrant has been granted and before the building alteration or work authorised by such warrant has been completed the person who is in right of such warrant desires to make any alteration on the plans referred to in such warrant he shall make an application in writing to the Dean of Guild Court for a deviation from the terms of such warrant and the court may if they are satisfied with such deviation sanction the same subject to such conditions as the court may deem necessary or expedient and the court may before disposing of such application require that intimation thereof be given to the respondents in the original petition or such other person as the court may require.

Plans to
be regis-
tered.

31. All petitions and plans lodged in a process before the Dean of Guild Court shall be retained by the clerk of the court along with the relative process and shall be registered and indexed by him and shall be open to inspection by any person interested on payment of one shilling which shall be accounted for by the clerk of the court in the same way as court fees.

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32. In the case of an alteration on the structure of any building or the erection of any building where such alteration or erection is of a minor or unimportant character the owner or any person with the consent of the owner may without the necessity of lodging a petition make application in writing to the Dean of Guild Court to sanction such alteration or erection which application shall be accompanied by plans showing in detail the work which it is proposed to execute and the court if satisfied that such alteration or erection is of a minor or unimportant character and does not affect the property or the rights or interests of any other party may by interlocutor to be endorsed upon the application give sanction to such alteration or erection and may attach thereto such conditions and give such directions to the master of works as they may deem necessary or expedient The interlocutor giving such sanction shall have the effect in all respects of a warrant of the Dean of Guild Court and be subject to the provisions of this Order in the same way as if a warrant had been granted by the court and every such alteration or erection shall be executed to the satisfaction of the master of works The Dean of Guild Court may prescribe the form in which such written application shall be made.

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—
Minor alterations.

33. Before any operations sanctioned by the Dean of Guild Court are commenced written notice stating the date of the intended commencement shall be given to the master of works not more than three days before such commencement and any person who commences such operations without giving such notice shall be liable to a penalty not exceeding five pounds.

Notice before commencement of operations.

34.—(1) Every person who without having obtained an extracted warrant therefor from the Dean of Guild Court or otherwise than in conformity with a warrant of such court carries out or begins to carry out any of the operations or other proceedings for which in terms of the section of this Order the marginal note whereof is "Petition and plans to be lodged" a warrant of the Dean of Guild Court is required and any person who in carrying out any of the operations or other proceedings aforesaid shall except as provided in the

Penalties for carrying on operations without warrant.

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section of this Order the marginal note whereof is "Deviations from warrant" deviate from the plans sanctioned by the Dean of Guild Court or contravene or fail to comply with any conditions contained in a warrant of the Dean of Guild Court shall be liable to a penalty not exceeding fifty pounds.

(2) Except as provided in the immediately preceding subsection of this section every person who in carrying out any of the operations or other proceedings aforesaid shall contravene or fail to comply with any lawful order of the Dean of Guild Court or shall contravene or fail to comply with any of the provisions of this Part of this Order or with any of the building rules contained in the First Schedule to this Order shall be liable to a penalty not exceeding twenty pounds.

(3) In addition to the penalties hereinbefore provided for the Dean of Guild Court may in case of any contravention as in this section mentioned order the closing or demolition of any building or part thereof or the restoration of the same to its previous condition or the execution of such work upon the same as they may judge requisite to make the same conform or as nearly as may be conform to the sanctioned plans and the conditions of the warrant or the building rules aforesaid.

Any such order may specify dates for the commencement and completion of the work ordered and any person failing to commence or complete the work ordered within the period specified shall in addition to any penalty which he may incur under the provisions of subsection (1) or subsection (2) of this section be liable to a penalty not exceeding five pounds for each day after the respective dates so specified during which such failure shall continue.

(4) Where any such order has been made and the work has not been commenced or completed at the respective dates or where the Dean of Guild Court in pronouncing any order authorises the Corporation to carry it out the Corporation shall be entitled to carry out the said order and the Dean of Guild Court may decern against the person at fault for any expenses thereby incurred.

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(5) The Dean of Guild Court may further where A.D. 1926.
any such operations are being carried on by any person
without a warrant or otherwise than in conformity
with a warrant of the said court grant on the application
of the procurator fiscal of the said court an interdict
against such person continuing to carry on such opera-
tions or allowing any building which may have been
erected without a warrant or otherwise than in con-
formity with a warrant of the said court to be occupied
or used.

35.—(1) The Dean of Guild Court or the master Inspection
of works may at any reasonable time inspect any of new
building in progress of construction or alteration or buildings
any work connected therewith and within one month before
after any new building or any alteration on the occupation.
structure or internal arrangements of any building or
any sub-division or alteration of the mode of occupancy
of any house has been completed and before the same
has been occupied the owner shall give or cause to be
given written notice to the master of works that the
building is ready for inspection before being occupied
and the master of works shall forthwith proceed to
survey such building and if he is satisfied that the
same is fit for occupation and is in accordance with
the provisions of this Order and of the warrant of the
Dean of Guild Court he shall grant a certificate under
his hand to that effect and every owner who shall fail
to give or cause to be given such notice as aforesaid
or shall permit such building as aforesaid to be occupied
before the certificate applicable thereto has been obtained
shall be liable to a penalty not exceeding five pounds
and to a daily penalty not exceeding forty shillings
and every person who refuses access to any such
building to the Dean of Guild Court or the master of
works or any official of the said court shall be liable
to a penalty not exceeding five pounds and to a daily
penalty not exceeding forty shillings.

(2) Any person aggrieved by the decision of the
master of works under the provisions of this section
may appeal to the Dean of Guild Court thereagainst
and the court may make such order as they deem
necessary in the circumstances.

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Height of
buildings.

36. The following provisions as to the height of buildings shall apply and have effect (that is to say) :—

- (1) After the commencement of this Order no building in or ex adverso of any street shall be erected or be subsequently increased to a greater height than the width of such street. Provided that where the distance between the respective building lines on each side of the street is not less than sixty feet the height of a building in such street may be equal to but shall not exceed one half of such distance plus one half of the width of the street. Provided further that for the purposes of this provision the Corporation shall determine what shall constitute the building lines where building lines have not been approved or fixed in accordance with the provisions of this Order :
- (2) No existing building shall be increased in height beyond the height prescribed in this section :
- (3) The height of a building shall be measured from the mean level of the footway of the street ex adverso of such building to the highest point of the ceiling of the topmost room. Provided that—

(A) Where a building abuts on or is ex adverso of two streets of different levels the height of such building shall be measured from the level of the footway of the street which lies on a higher level ;

(B) Where a building abuts on or is ex adverso of two streets of different widths the height of such building shall be regulated by the width of the wider of such streets but that only to the extent of fifty feet backwards from such wider street measuring from the face of the wall of such building and the height of the remainder of such building shall be regulated by the width of the narrower of such streets :

- (4) The Corporation may in special circumstances consent to a building being erected to a greater height than that before provided for in this section :

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- (5) In no case shall any building be of a greater height than sixty feet without the consent of the Corporation. Provided that where a building is not to be erected in or ex adverso of a street the height of such building shall be measured from the level of the ground immediately in front of the building : A.D. 1926.
—
- (6) The Corporation in granting any consent under the provisions of this section may attach thereto such conditions as they may deem necessary or expedient in the circumstances :
- (7) Notwithstanding the provisions of this section any building if taken down may be rebuilt to the same height as before.

37.—(1) No person shall without the consent of the Corporation build any tenement or increase the number of houses in any tenement so that more than nine separate houses therein shall enter from one common stair or passage within the tenement or more than twelve separate houses shall enter from a common stair or balcony outside the tenement and the width of such common stairs passages and balconies and the width of the stair landings shall in no case be less than three feet six inches finished size in the clear. Number of houses in a tenement.

(2) No person shall without the consent of the Corporation increase the number of houses in any tenement where there are in such tenement more than nine separate houses entering from one common stair or passage within the tenement or more than twelve separate houses entering from a common stair or balcony outside the tenement.

(3) Nothing in this section shall authorise the provision of back to back houses in any tenement and the plans of any such tenement shall provide for adequate through ventilation in all habitable rooms to the satisfaction of the Dean of Guild Court.

38. The following provisions in regard to the open space to be provided about buildings erected after the Space about buildings.

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A.D. 1926. commencement of this Order shall apply and have effect (that is to say) :—

- (1) Every self-contained dwelling-house not exceeding two storeys in height shall have directly attached and pertaining thereto and used exclusively in connection with the same by the occupiers thereof an open space not less than three-fourths of the area of the ground occupied by the building and where such dwelling-house shall exceed two storeys in height additional open space not less than one-fourth of the area of the ground occupied by the building shall be provided for every storey exceeding two :
- (2) Every tenement not exceeding two storeys in height shall have directly attached and pertaining thereto and used exclusively in connection with the same by the occupiers thereof an open space at least equal in area to the area of the ground occupied by the building and where such tenement shall exceed two storeys in height additional open space not less than one-fourth of the area of the ground occupied by the building shall be provided for every storey exceeding two :
- (3) Every building other than a tenement or self-contained dwelling-house shall if the Dean of Guild Court so require have directly attached and pertaining thereto and used exclusively in connection with the same by the occupiers thereof an open space of such dimensions as may in the opinion of the Dean of Guild Court having regard to the nature and intended use of the building be requisite in connection with the occupation of the building or for protecting the amenity and the light and air of the building but not exceeding the extent required by this section in the case of a self-contained dwelling-house :
- (4) In reckoning the open space about buildings to be provided in terms of this section (a) there shall not be included any part of the

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land lying between the building and the street except such portion of the same as may be situated between the building and a line drawn parallel with the street and at a distance of fifteen feet therefrom and (b) there shall be included the land lying at either side of the building but only to the extent that the same exceeds a width of six feet :

- (5) The open space provided for or used in connection with any existing building shall be subject to the provisions of this section applicable to buildings to be erected after the commencement of this Order to the extent to which such open space is available at the commencement of this Order :
- (6) The provisions of this section shall apply to every building altered after the commencement of this Order for the purpose of being used as a dwelling-house or dwelling-houses and not previously so used :
- (7) For the purposes of this section the expression "storey" shall not include any storey constructed wholly in the roof or any storey the ceiling of which is below the mean level of the centre of the street ex adverso of the building.

39.—(1) The open space about buildings to be provided in terms of the immediately preceding section of this Order shall in the case of a self-contained dwelling-house and also in the case of a tenement be free from any erections thereon other than out-houses or other buildings to be used in connection with such self-contained dwelling-house or tenement which out-houses or other buildings shall not exceed twelve feet in height and the area of the ground to be occupied by such out-houses or other buildings shall not exceed two hundred superficial feet.

Open space
to be free
from erec-
tions.

(2) Where the ground storey of a tenement is used for the purposes of a shop or business premises a saloon to be used exclusively in connection with such shop or business premises may be erected on the open space in rear or such part thereof as may be approved

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— by the Dean of Guild Court but such saloon shall not be higher than the level of the window sill of the first storey of the tenement above the ground storey and such saloon shall be constructed with a flat roof to be made available for the use of the occupiers of the tenement.

(3) In the case of a building other than a tenement or self-contained dwelling-house the open space about such building shall be free from erections other than erections to be used in connection with such building which erections shall not exceed twelve feet in height and their position and dimensions shall be such as may be sanctioned and approved by the Dean of Guild Court.

Buildings
on corner
stances.

40. In the case of any building or part of a building situated within sixty feet of the junction of the building lines of any two streets the provisions of the section of this Order the marginal note whereof is "Space about buildings" may be modified to such extent as shall in the opinion of the Dean of Guild Court be necessary to permit a corner stance to be built upon.

Space in
front of
rooms in
buildings
used for
human
habitation.

41.—(1) Subject to the provisions of this Order no building erected or reconstructed after the commencement of this Order shall be used for human habitation unless every room therein which is so used shall have an open space in front thereof which shall be sufficient in the opinion of the Dean of Guild Court for light and ventilation Provided that such open space may be (a) over a street (b) over ground which belongs exclusively to the owner of and is directly attached to the building in which such room is situated or over which a servitude exists in favour of the ground occupied by such building entitling the owner thereof to insist that it shall be always kept open and unbuilt upon or (c) over ground which in the opinion of the Dean of Guild Court is not likely ever to be built on in such a manner as to exclude or restrict light and ventilation.

(2) Any person contravening this enactment shall be liable to a penalty not exceeding five shillings for each room for every day or part of a day during which such room is used in contravention thereof Any such

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penalty may be sued for and recovered at the instance of the procurator fiscal of the Dean of Guild Court before the said court. A.D. 1926.
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42. Where a petition is presented to the Dean of Guild Court for a warrant to erect buildings fronting any street enclosing with other streets then existing or which may be thereafter formed or laid out a hollow square the court may decline to grant warrant unless they are satisfied that permanent provision shall be made of such spaces or openings through the hollow square for the purpose of through ventilation as they may think necessary or as may be specified in any relevant order made by the Corporation under the provisions of the section of this Order the marginal note whereof is "Order authorising laying out of new street" Provided that such spaces or openings shall be at least fifteen feet wide and shall remain open and unbuilt upon from the height of fifteen feet upwards such height being measured from the level of the immediately adjoining street. Buildings in hollow squares.

43.—(1) The Dean of Guild Court shall not grant warrant for the erection of any building in or abutting on any new street unless or until the plans for the lay-out or formation of such new street have been approved by the Corporation and such street or such portion thereof as shall be necessary for forming a proper approach for such new building shall have been defined by posts and kerb or in some other sufficient manner to indicate the approved line and level thereof. Buildings in new streets.

(2) Where any such street or portion thereof has been so defined no new building fronting thereon shall be occupied until such street or portion thereof as aforesaid shall have been properly bottomed and made up with such suitable material as the Corporation may approve of and properly rolled down drained and levelled to the satisfaction of the city road surveyor and any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

44.—(1) If having regard to the nature and situation of the site of any building or buildings proposed to be erected re-erected or altered or to the character of any External elevation of buildings &c.

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A.D. 1926. — buildings erected or in course of erection in the neighbourhood of such site the Dean of Guild Court are of opinion that the character or appearance of the building or buildings proposed to be erected re-erected or altered would be injurious to amenity whether on account of the proximity to other buildings the elevation or design or the materials to be used or the undue repetition of the design the Dean of Guild Court may order such alterations to be made in regard to the elevation or design or materials as they may deem necessary or expedient and may require the plans to be amended accordingly.

(2) Any person deeming himself aggrieved by any order of the Dean of Guild Court under the provisions of this section may within fourteen days from the date of such order make a representation in writing thereon to the Corporation and on such representation being made it shall be necessary to obtain the consent of the Corporation to such order and the Corporation before dealing with such representation shall give the petitioner an opportunity of being heard.

(3) For the purpose of assisting the Corporation in the exercise of the powers conferred on them by this section a standing advisory committee of four members shall be constituted for the city of whom one member shall be nominated by the Secretary for Scotland one member shall be nominated by the Royal Scottish Academy one member shall be nominated by the Incorporation of Architects in Scotland and one member shall be nominated by the Corporation but shall not be a member or official of the Corporation and the Corporation may and in the event of the petitioner requiring them so to do shall before dealing with any representation under this section communicate the same to the standing advisory committee and request such committee to report to the Corporation thereon.

Power to
relax certain
provisions
as to
buildings.

45. Upon a report in writing by the medical officer of health that adequate provision is made for light and ventilation or sanitary requirements the Dean of Guild Court in any special case may with the consent of the Corporation relax or modify to such extent and under such conditions as the court may think proper all or any of the provisions of this Part of this Order with regard to

the following matters or any of them (that is to say) the erection re-erection or alteration of buildings the open space to be provided about buildings the building rules the height of rooms the minimum accommodation for dwelling-houses and window lights in dwelling-houses provided the court is of opinion that there are exceptional circumstances justifying such relaxation or modification. A.D. 1926.

46. The building rules contained in the First Schedule to this Order shall have effect and be observed with regard to the erection alteration or reconstruction of buildings. Building rules.

47.—(1) The Corporation may from time to time make byelaws for any of the purposes after mentioned viz. :— Building byelaws.

- (a) The drainage of the subsoil of sites for and the prevention of dampness in buildings intended for human use or habitation :
- (b) The strength and stability of the walls joisting and principal timber and iron work of buildings :
- (c) The structure and form of walls foundations floors hearths staircases stairs stair-railings and passages roofs and chimneys of buildings :
- (d) Projections over streets ornaments upon buildings overhanging the walls of such buildings recesses in walls and openings in mutual and cross walls :
- (e) The erection stability maintenance inspection and removal of scaffolding cranes barricades hoardings platforms and balconies and the dimensions position and use of the same :
- (f) The regulation control and use of advertising sites and hoardings :
- (g) The erection of walls or other fences forming divisions between courts back courts and areas :
- (h) Provision against the risk of fire in buildings and for means of escape from fire :
- (i) The ventilation of and admission of light to buildings :
- (j) 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 :

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(k) The construction and arrangement of the drainage of buildings and of soil pipes and waste pipes and the construction and position of water-closets slop sinks and rain-water pipes and rhones.

(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) All byelaws made by the Corporation under and for the purposes of this Order shall be consistent with the provisions of this Order but may vary alter or supplement any of the building rules contained in the First Schedule to this Order.

Strength of
buildings.

48.—(1) All buildings erected or reconstructed after the commencement of this Order shall unless the Dean of Guild Court otherwise determine be of sufficient strength and shall be designed and constructed so that the completed structure shall in addition to the weight of the materials of which it is composed be able to carry as a safe load the following minimum weights viz. Dwelling-houses seventy pounds per square foot of floor halls schools churches theatres music-halls and places for public meetings one hundred and eighty pounds per square foot of floor warehouses stores factories and workshops two hundred and twenty-four pounds per square foot of floor For the purposes of this section a safe load shall be held to be upon timber one-seventh upon wrought iron or steel one-fourth and upon cast iron one-sixth of the breaking strain.

(2) From and after the commencement of this Order it shall not be lawful for any person to place or fit up on an upper floor of any existing building any weight in excess of the weights mentioned in subsection (1) of this section unless such building has been constructed or supported for the purpose and unless such weight is supported upon beams or columns of stone brick iron ferro-concrete or other incombustible material Any person contravening this subsection shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds Any such penalty may be sued for and recovered at the instance of the procurator fiscal of the Dean of Guild Court before the said court.

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49. The following provisions as regards the height from floor to ceiling of rooms in every new dwelling-house shall apply and have effect (that is to say):—

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 —
 Height of rooms.

- (1) The height of every habitable room shall not be less than nine feet on the ground floor and eight feet six inches on the upper floors :
- (2) In the case of attics the minimum height of every habitable room shall not be less than eight feet over a horizontal area equal to not less than one-third of the floor area. Provided that in computing the floor area no account shall be taken of any part of the room which has a less height than four feet.

50. The following provisions shall have effect as regards the minimum accommodation for new dwelling-houses :—

Minimum accommodation for dwelling-houses.

- (1) Except with the consent of the Corporation in exceptional circumstances every new dwelling-house shall have at least three habitable rooms :
- (2) Every new dwelling-house shall have at least one living room having a floor area of not less than one hundred and fifty superficial feet :
- (3) Every new dwelling-house shall have at least one bedroom having a floor area of not less than one hundred and thirty-two superficial feet :
- (4) No bedroom or other habitable room shall contain less than six hundred cubic feet :
- (5) In computing the floor area and cubic space no account shall be taken of any part of the room which has a less height than four feet or of any lobbies closets presses and recesses :
- (6) Every new dwelling-house shall be provided with suitable and sufficient washing-house or scullery accommodation and also with a bath and sufficient and properly ventilated food storage accommodation.

51. In every new dwelling-house every habitable room shall have at least one window and the total area of glass in the windows clear of the frame and sash shall be at least one-tenth of the area of the room and the top of at least one of the windows shall not be less than seven

Window lights in dwelling-houses.

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A.D. 1926. — feet six inches above the floor and in case of a sash window the upper half at least shall be made to open the full width and in the case of a casement window one half at least shall be made to open.

Window
cleaning.

52. In all buildings erected or reconstructed after the commencement of this Order the window sashes above the ground floor shall except where there are sufficient outside railed balconies or platforms be so constructed as to admit of the outside of the window being cleaned from the inside of the room and the Dean of Guild Court shall unless there are special grounds established to their satisfaction refuse to grant a warrant for any such building where provision is not made for satisfying this requirement.

Enclosed
beds.

53.—(1) No new dwelling-house shall have an enclosed bed or a bed recess which is not open in front from floor to ceiling throughout its length but such recess shall be deemed to be open although it is crossed by a carrying beam close to the ceiling.

(2) The Corporation may require the owner of any existing dwelling-house to open up as set forth in the immediately preceding subsection any enclosed bed or bed recess in such dwelling-house and in the event of such owner failing to carry out the order of the Corporation within a reasonable time to be specified in the notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Where any application is made to the Dean of Guild Court for any alteration of a dwelling-house the Dean of Guild Court may as a condition of granting warrant for such alteration require the owner of such dwelling-house to open up to the extent set forth in subsection (1) of this section any enclosed bed or bed recess in such house.

Repair &c.
of common
stairs
passages &c.

54. The owners of premises in or entering or having access from common stairs or common passages or basements shall:—

(a) Keep the steps landing places and passages in a proper state of repair and provide and keep in proper repair rails at the side of such steps

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landing places and passages and such rails shall be of sufficient height or be otherwise so constructed or guarded as to prevent children climbing or sliding on the same all to the satisfaction of the Corporation;

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- (b) When required by the Corporation fence in such manner as the Corporation may direct all windows in such common stairs and passages;
- (c) Provide and maintain in good repair the doors and windows of common stairs and doors of all cellars opening into common stairs common passages or basements;
- (d) Provide proper means of lighting and ventilation to the satisfaction of the Corporation; and
- (e) Maintain to the satisfaction of the Corporation suitable opening apparatus for the street door of the common stair;

and any owner who fails within two weeks to comply with the provisions of this section or any of them after notice served on him by the burgh engineer shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

55. When from decay or in consequence of storm or otherwise chimney stalks or cans slating tiling or other materials of roofs lath and plaster and rough casting of exterior walls of buildings or any rhone signboard or any other matter or thing appertaining to or connected with any building shall have become worn out damaged or out of repair or in the opinion of the burgh engineer is dangerous to the public or to property in the vicinity the burgh engineer shall give notice to the owner of such building requiring him within a reasonable time to be stated in such notice to repair or secure the whole or any portion or portions of such chimney stalks or cans slating tiling or other materials of roofs lath and plaster or rough casting of exterior walls rhones signboards or other matter or thing appertaining to or connected with such building as aforesaid and in the event of such notice not being complied with within the time stated therein the burgh engineer shall report the matter to the prosecutor in the police court and it shall be competent for the prosecutor to cite such owner before the judge of police who may require him to have such repairs or alterations

Chimney stalks roofs &c. to be repaired and secured.

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executed within a specified time at the sight and to the satisfaction of the burgh engineer and failing compliance with the deliverance of the judge of police such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings:

Provided always that the burgh engineer in case of emergency of which he shall be the sole judge may take down or secure any chimney stalks or cans slating tiling or other materials of roofs lath and plaster or rough casting of exterior walls rhones signboards or other matter or thing as aforesaid and execute such repairs as he may deem necessary the expense of which shall be paid by the owner and failing payment shall be recoverable by the Corporation as a debt from the owner in default.

Protection
of pipes
from frost.

56. The Corporation may require the owners or occupiers of houses in any tenement to protect to the satisfaction of the Corporation all water supply pipes and water cisterns within the premises owned or occupied by them respectively against accident or stoppage from frost and may by the burgh engineer or other officer in any case of failure so to do make and execute such operations as the burgh engineer may deem necessary for the protection of such water pipes and others as aforesaid and may charge the cost and expense thereof against such owners and occupiers or either of them and failing payment such cost and expense shall be recoverable by the Corporation as a debt from the owners or occupiers in default.

Water and
water-
closets.

57. The owner of every house into which water has not already been introduced shall when required by the Corporation introduce water thereinto and shall fit up in some window recess or other well lighted and ventilated place a sink with a sufficient waste pipe disconnected from the sewer by means of a proper trap and shall also provide to the satisfaction of the Corporation adequate and suitable watercloset accommodation within such house or otherwise as may be deemed advisable by the Corporation in all cases with proper soil pipes and every watercloset to be constructed after the commencement of this Order shall be placed in such a position that one of its sides shall be an external wall with a window therein containing an area of at least four superficial feet one-half

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of which shall be made to open or in the case of a water-closet placed next to the roof the same may be lighted and ventilated therefrom to the satisfaction of the Corporation and all sinks waste pipes soil pipes and waterclosets shall be properly fitted up and kept in complete repair by the owner all to the satisfaction of the Corporation Provided always that the Corporation may give notice in writing to owners of houses which are not in conformity with these provisions requiring them within a period to be specified in such notice to make the necessary alterations and execute the necessary works and any owner not complying with such notice within the said period shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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58.—(1) The Corporation may require the owner or owners of any back green or open ground attached to a tenement containing eight or more houses or of any court passage or area used in common by the occupiers of any such tenement to flag asphalt concrete or pave such back green or open ground court passage or area or any part or parts thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalt concrete paving and drain in good repair all to the satisfaction of the Corporation.

Back greens
courts &c.
to be paved.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and the expense incurred by them in that behalf shall be recoverable by the Corporation as a debt from the owner or owners in default.

59.—(1) It shall not be lawful for any person to erect any building upon any ground which shall have been filled up with any material impregnated with faecal matter or with any animal or vegetable or other offensive matter which in the opinion of the medical officer of health may tend by decomposition or otherwise to the prejudice of the health of any future resident or occupier of such building or of any resident in the

Erection of
building on
ground filled
up with
offensive
matter.

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neighbourhood except upon a certificate of the medical officer of health that proper precautions in his opinion have been taken to obviate any such result and every person who erects or causes to be erected either wholly or partially any building on any such ground shall be bound to remove the same on being required to do so by the Corporation and any such person who shall not remove such building after being so required shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Any person aggrieved by any requisition of the Corporation under this section may appeal to the sheriff within one month after the date of such requisition provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Chimney stalks for furnaces.

60. Every chimney stalk or flue connected with the furnace of a steam boiler or other furnace for commercial or manufacturing or other purposes shall be built of sufficient height to carry off the smoke and other products of combustion without offence to the occupiers of neighbouring houses or buildings and the Dean of Guild Court may on the application of the procurator fiscal or of any person interested after giving parties an opportunity of being heard make an order requiring the owner of any chimney stalk or flue to raise the same up to a height sufficient in the opinion of the said court to carry off the smoke and other products of combustion as aforesaid and such owners shall on failure to comply with such order be liable to a penalty not exceeding twenty-five pounds and to a daily penalty not exceeding forty shillings.

As to building causing extra risk of fire.

61. On any petition being presented to the Dean of Guild Court for warrant to erect alter or reconstruct any building which from its size or situation or the use to which it is intended to be put is likely to cause extra or undue risk of fire to any adjoining or neighbouring building or to such building itself the Dean of Guild Court may require such precautions to be taken by the petitioner and such works to be executed by him in connection with the erection or alteration or reconstruction of such building as the court may consider proper for the protection of adjoining or neighbouring buildings or of such building itself.

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62. Where under the provisions of the Public Health Acts or otherwise the sanction of the Corporation as the local authority is required to the establishing carrying on or enlarging of any business trade or manufactory the Dean of Guild Court shall not grant a warrant for the erection alteration or enlargement of buildings with a view to the establishment or enlargement of such business trade or manufactory until they are satisfied that the Corporation have given their sanction thereto and until any appeal taken under the provisions of the Public Health Acts has been disposed of.

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Buildings
for noxious
trades.

63. Where under the provisions of section 206 (Houses &c. unfit for human habitation) of the Act of 1879 or under the provisions of the Housing (Scotland) Act 1925 a closing order has been made in respect of any dwelling-house the Dean of Guild Court shall not grant a warrant for any alteration of such dwelling-house unless they are satisfied that the Corporation are prepared to determine the closing order on such alteration being carried out.

Alterations
where
closing order
granted.

64.—(1) The Dean of Guild Court may on the application of the procurator fiscal cause any building used or proposed to be used as a place of public meeting or as a place of public amusement or entertainment or for holding large numbers of people for any purpose whatsoever to be inspected and may after hearing any person interested order such works to be executed by the owner of such building for the adequate ventilation of such building and for providing sufficient means of ingress and egress and for the protection of the public from fire and other dangers as to the Dean of Guild Court shall seem fit and the said court may grant decree for the expenses connected with such proceedings.

Buildings
for public
meetings &c.

(2) The Dean of Guild Court may interdict prevent and stop the use of any such building unless and until such works as aforesaid or any of them have been executed in terms of the order of the said court to the satisfaction of the master of works.

(3) Any person failing to comply with any order granted by the Dean of Guild Court under the provisions of this section shall be liable to a penalty not exceeding twenty-five pounds and any person failing to observe

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or obey any interdict granted by the Dean of Guild Court under this section shall be liable to a penalty not exceeding twenty-five pounds for every occasion on which such building is used in contravention of any such interdict granted by the said court.

(4) In any case where any such order or interdict has been granted and an appeal taken such order or interdict shall not be operative until the whole case has been decided on the merits by the Court of Session and the Court of Session shall have power in any case where they think proper to ordain the appellant to find caution as a condition of being allowed to insist on the appeal.

(5) Any person who refuses access to such buildings to the Dean of Guild Court or the master of works or any official of the said court shall be liable to a penalty not exceeding five pounds for each day during which such refusal continues.

Means of
escape from
certain
buildings in
case of fire.

65.—(1) Every building used or intended to be used as a hotel restaurant hospital boarding-house common lodging-house farmed-out house or school shall be provided with such means of escape in the case of fire for persons dwelling or employed therein or resorting thereto as the Dean of Guild Court may reasonably require on application being made to the said court by the procurator fiscal.

(2) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person who shall fail to provide within one month or such longer period as the Dean of Guild Court may allow such means of escape in the case of fire as the Dean of Guild Court may order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Bakehouses
dairies milk-
shops &c.

66. After the commencement of this Order it shall not be lawful without the previous sanction of the Corporation to build or form or construct any new or to enlarge or extend any existing bakehouse or dairy or

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milkshop in the sunk or basement or other part of any building so that the same or part of the same will be situate under the level of the adjacent ground and no bakehouses dairies shops or places for manufacturing selling or storing articles of food shall without such sanction as aforesaid in any new building or reconstructed building have any communication with any internal staircase lobby or passage forming an access to any dwelling-house and every person contravening the provisions or any of them of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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67. After the commencement of this Order no stable or byre shall be built or constructed and no existing stable or byre shall be altered and no building shall be converted into a stable or byre except in accordance with the provisions following (that is to say):—

Stables and
byres.

- (1) The materials used in the construction of the buildings and the system of draining ventilating and lighting and the paving of the floors and court-yards shall be subject to the approval of the Dean of Guild Court :
- (2) The air space within such stable or byre shall not be less than eight hundred cubic feet for each animal.

68.—(1) After the commencement of this Order no person shall (unless acting in a case of emergency) erect use or employ any crane scaffolding staging or shoring in or connected with the construction and erection or alteration repair or securing of any building or connected with any excavations for such building except with the approval of the Dean of Guild Court before the same is used and no person shall use or employ such crane scaffolding staging or shoring for any of the aforesaid purposes until such approval has been obtained.

Scaffolding
&c.

(2) The provisions of the section of this Order the marginal note whereof is "Penalties for carrying on operations without warrant" shall apply in the case of any contravention of or failure to comply with the provisions of this section.

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RUINOUS OR DANGEROUS BUILDINGS.

Ruinous or dangerous buildings to be taken down or secured.

69.—(1) If any building or anything affixed thereon be deemed by the burgh engineer to be in a ruinous or insecure state he shall immediately cause the occupiers (if any) to remove therefrom until the same is put into a safe condition and shall cause a proper hoarding or fence or props to be put up for the protection of the public and shall also cause if he shall judge necessary the neighbouring buildings to be properly shored up and shall cause notice in writing to be given to the owner of such building if he be known and shall also cause such notice to be put on a conspicuous part of such building or otherwise to be given to the occupier thereof (if any) requiring such owner forthwith to take down secure or repair such building or other thing or as the case shall require and if such owner do not begin to repair take down or secure such building 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 repairs or taking down or securing as speedily as the nature of the case will admit the burgh engineer shall report the matter to the procurator fiscal of the Dean of Guild Court and the said court shall on the complaint of the procurator fiscal if they find it necessary after giving parties an opportunity of being heard order the owner of such building or other thing to take down rebuild repair or otherwise secure the same or such part thereof as appears to them to be in a dangerous state within a time to be fixed by the court and in case the same be not taken down repaired rebuilt or otherwise secured within the time so fixed the court shall with all convenient speed cause all or so much of such building or other thing as shall be in a ruinous condition and dangerous as aforesaid to be taken down rebuilt or otherwise secured in such manner as shall be requisite and all the expenses of enforcing such removal and of putting up every such hoarding or fence or of shoring up such buildings and of taking down repairing rebuilding watching or securing such building or other thing shall be paid by the owner thereof:

Provided always that in the case of any building rendered dangerous or insecure by fire or otherwise the burgh engineer may take all necessary measures for securing the same or any part thereof temporarily or

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may remove the same or any part thereof and he may 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 and the expense so incurred by him shall be paid by the owner of such dangerous building.

(2) If the owner of any such building or thing affixed thereon on demand of the expenses aforesaid shall neglect or refuse to pay the same the Dean of Guild Court shall grant decree against such owner for payment thereof on which decree all legal diligence may proceed.

(3) If any such building as aforesaid or any part of the same be taken down by virtue of the powers aforesaid the Dean of Guild Court may sell the materials thereof or so much of the same as shall be taken down and apply the proceeds of such sale in or towards payment of the expenses incurred in respect of such building and in the event of any surplus arising from such sale the same shall be paid over on demand to the owner of such building Provided that the Dean of Guild Court although they shall direct the sale of such materials for the purposes aforesaid 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 hereinbefore given to them for compelling the payment of the whole of the said expenses.

(4) If such owner cannot be found or if such expenses are not otherwise fully recovered such building may be dealt with as waste and ruinous in the manner provided in the section of this Order the marginal note of which is "Ruinous buildings and areas may be sold" or the Corporation in their option may after giving twenty-eight days' notice of their intention to do so by a notice addressed to the owner if his address be 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 in the city take such building and the land whereon such building stood provided that such expenses be not paid or tendered to them within the said twenty-eight days making compensation to the owner of such building or land in the manner provided in the Lands Clauses Acts in the case of lands taken otherwise than with the consent of the owners and occupiers thereof and the Corporation shall be entitled to

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A.D. 1926. deduct out of such compensation the amount of the
--- expenses aforesaid and may thereupon retain for the
purposes of the Edinburgh Municipal and Police Acts or
sell or otherwise dispose of the said building or land.

Ruinous
buildings
belonging
to two or
more owners
may be sold.

70.—(1) If any building has become waste or ruinous or a receptacle for filth or other nuisance or unsafe and unfit for use and occupation and 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 the same 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 Dean of Guild Court on the application of the procurator fiscal of such court or of any owner or person interested in any such building may call all parties interested therein before the said court and 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 and 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 agreeable 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 Dean of Guild Court not exceeding six weeks.

(2) If any of the said parties fail to take advantage of the said option within the time so fixed or shall not be able to agree as to which shall be the buyer and which the seller the Dean of Guild Court may cause such subjects to be exposed for sale by public auction at a price not being less than the appraised value and in the case of no sale at such exposure may reduce the upset price from time to time and sell the same to the highest bidder under such regulations and upon such conditions and after such public notice by advertisement in a newspaper or newspapers published within the city or otherwise as the Dean of Guild Court shall appoint and the purchaser thereof shall be bound within ten days after the sale or within such time as may be fixed by the Dean of Guild Court to consign the purchase money in any bank to be named by the said court upon a receipt or voucher subject

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to the orders of the Dean of Guild Court otherwise the sale to be void and null and the money so consigned shall remain at interest for behoof of all parties interested therein and subject to the future orders of the Dean of Guild Court.

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(3) Upon such consignment being so made the Dean of Guild Court shall pronounce decree or warrant declaring the purchase duly completed and authorising immediate possession of the subjects to be given to the purchaser thereof and such decree or warrant shall upon being registered in the appropriate register of sasines be a valid and sufficient title to such purchaser.

(4) In case the purchaser at any such sale as aforesaid shall fail to fulfil the conditions thereof within the time thereby prescribed the Dean of Guild Court may cause such subjects to be re-exposed and sold anew and such sale shall proceed in like manner as the first sale and the Dean of Guild Court shall continue in case of failure as aforesaid to cause the said subjects to be re-exposed for sale until the same shall be sold and the price thereof consigned in bank as aforesaid.

(5) Upon the completion of any such sale the Dean of Guild Court on the application of any of the persons concerned shall proceed to ascertain and determine the extent and value of the share of each party claiming interest in the subjects so sold and to apportion the price and order payment thereof to the several parties accordingly subject always to such finding or order in respect of costs as the Dean of Guild Court may pronounce.

71.—(1) If any building has become waste or ruinous or a receptacle for filth or other nuisance or unsafe and unfit for use and occupation the Corporation may by a notice addressed to the owner if his address shall be 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 the inhabitants to their satisfaction within three months from the date of such notice and in the event of such requisition not being complied with the Corporation may apply to the Dean of Guild Court for warrant to sell such building and the pertinents thereof and the Dean of Guild Court may order the same to be

Ruinous
buildings
and areas
may be sold.

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A.D. 1926. — valued and exposed for sale by public auction and to sell the same and 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.

(2) Any person aggrieved by any notice of the Corporation under this section may appeal to the sheriff within one month after the date of such notice provided he gives written intimation of such appeal and of the ground thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

PART IV.

STREETS.

Meaning of
"owner."

72. For the purposes of this Part of this Order the expression "owner of lands and heritages" or "owner" shall be deemed to mean the owner of lands and heritages as appearing in the valuation roll.

Vesting and
mainten-
ance of pub-
lic streets.

73. Subject to the provisions of this Order all streets carriageways 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 in and maintained by the Corporation who shall have the sole charge control and superintendence of the same.

Formation
of footways
of public
streets.

74. The owners of all lands and heritages fronting or abutting on any street shall at their own expense when required by the Corporation cause footways before their properties respectively on the sides of such street to be made and to be well and sufficiently paved or constructed with such material and in such manner and form and of such breadth as the Corporation shall direct and the Corporation shall thereafter from time to time maintain such footways Provided that where the lands or heritages of any owner front or abut on any street for a continuous length exceeding one hundred yards and such lands or heritages are unfeued or unbuilt on or not laid out or used as a garden or pleasure ground or pertinent of a house it shall not be lawful for the Corporation to require such owner to construct such footway but the

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Corporation may themselves cause such footway to be constructed in so far as they think proper and for that purpose they may enter upon such lands or heritages and they shall be entitled to recover from such owner the costs charges and expenses so incurred whenever the lands fronting or abutting on the footway so constructed by them are actually feued or built upon or laid out or used as a garden or pleasure ground or pertinent of a house and all expenses of the Corporation in so far as recoverable from the owners shall be recoverable in the way or manner in which the costs charges and expenses incurred by the Corporation in connection with works on private streets are or may be recovered under the provisions of this Order Provided further that nothing in this section shall apply to the footways of private streets or shall empower the Corporation to enter upon any lands or heritages belonging to a railway company or the dock commission without the consent of such railway company or dock commission as the case may be.

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75. The Corporation may from time to time carry out such works on any public street as they may deem necessary or expedient for the purposes of repairing maintaining renewing altering widening or improving the same and for such purposes or any of them they may—

Improve-
ment of pub-
lic streets.

- (a) Remove the causeway pavement road metal or materials and relay the street with the same or different materials :
- (b) Convert any portion of the carriageway into footway or convert any portion of the footways into carriageway :
- (c) Alter raise or lower the level of the carriageway or footways :
- (d) Raise lower divert or alter the course of any water channel sewer drain or soil pipe or any pipes or ways for water gas or electricity or any other pipes ways or underground works of any description :

Provided that if any such operations in connection with paragraphs (c) and (d) of this section shall injuriously affect any adjoining premises the Corporation shall make compensation for the same to the owners or occupiers thereof as such compensation failing agreement shall be

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A.D. 1926. — determined in the manner provided in the Lands Clauses Acts :

Provided further that the costs attending any such operation under paragraph (d) of this section shall be paid by the Corporation out of the burgh assessments.

Purchase of
lands for
street
widening
and im-
provements.

76.—(1) The Corporation may at any time purchase and take by agreement under the provisions of the Lands Clauses Acts any land for the purpose of widening or improving any public street.

(2) The Corporation may at any time purchase and take compulsorily under the provisions of the Lands Clauses Acts for the purposes of widening or improving any public street any unbuilt on land abutting on or adjoining any street necessary to make such street or any part thereof of a width not exceeding seventy feet :

Provided that for the purposes of this enactment land shall be deemed to be unbuilt notwithstanding that it is enclosed by a boundary wall railing or fence or occupied by temporary buildings or by ruinous or dilapidated buildings.

(3) For the purposes of the preceding subsections of this section in the application of the Lands Clauses Acts thereto this Order shall be deemed to be the special Act and the Corporation to be the undertakers and the Corporation notwithstanding the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be entitled to take such land as aforesaid without being obliged or compellable to purchase and take the remainder or any greater portion of the subjects of which such land forms part.

(4) The Corporation may with the consent of the Scottish Board of Health purchase any land compulsorily for the purpose of widening or improving any public street and the provisions of the Town Planning (Scotland) Act 1925 which relate to the procedure for the compulsory acquisition of land for the purposes of a town planning scheme shall apply to the compulsory acquisition of land by the Corporation under the provisions of this subsection.

(5) The Corporation may with the consent of the Scottish Board of Health sell or let or appropriate for

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any city purpose any surplus land acquired under the provisions of this section. A.D. 1926.

(6) This section shall not apply to any property occupied used or held by the dock commission or by a railway company for the purposes of their railway without the consent of the dock commission or the railway company as the case may be.

77.—(1) The Corporation may agree with the owner of any land in any street to give up or cede land for the purpose of widening or improving such street in exchange for any part of such street which shall front other land belonging to such owner and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights over any portion of any street so exchanged shall be extinguished : Power to exchange parts of streets for other lands &c.

Provided that notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

(2) The Corporation may allow upon such terms and conditions as they think fit any building to be set forward for improving the line of the street in which such building or any building adjacent thereto is situated.

78. Subject to the provisions of this Order any land or premises ceded to the Corporation or purchased or acquired by the Corporation and laid into or added to any street shall for ever form part of such street and be vested in and maintained and kept in repair by the Corporation under the same conditions as those under which such street is for the time being by law maintained and kept in repair. Land acquired for streets to vest in Corporation.

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Grass
margins
and trees
in streets.

79.—(1) The Corporation may lay out or form grass or other margins or plant with trees or shrubs any part of any public street or in the case of a private street permit the owners to do so on such conditions as the Corporation may deem necessary and the Corporation may protect with suitable guards or fences and maintain in good order any such grass or other margins trees or shrubs and alter renew or remove the same and may 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 Provided always that 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.

(2) Every person who shall wilfully damage any tree shrub plant or grass or other margin in any street or any fence or guard erected thereon or who shall wilfully ride or drive any horse or vehicle or drive any cattle on or across any grass or other margin shall be liable to a penalty not exceeding five pounds.

(3) For the purposes of section 7 of the Telegraph Act 1878 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 the Corporation or any such owner as aforesaid carrying out the work shall be deemed to be the undertakers.

Parking
places for
vehicles.

80.—(1) Where it appears to the Corporation to be necessary or expedient to provide parking places for vehicles the Corporation may provide such parking places in accordance with the provisions of this section and for that purpose may—

- (a) By order authorise the use as a parking place of any public street or part of a public street; or
- (b) Acquire by agreement lands suitable for use as a parking place; or
- (c) Utilise any lands belonging to them which may lawfully be appropriated for the purpose.

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(2) An order under this section shall not authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street or so as to be a nuisance. A.D. 1926.

(3) Where the Corporation propose to make an order under this section authorising the use as a parking place of any land forming a street or part of a street or propose to acquire or utilise any land for the purposes of this section they shall cause notice of the proposal to be 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 and circulating in the city and every such notice shall—

(a) specify the land to which the proposal relates; and

(b) notify the date (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the town clerk; and

(c) contain a notification of the right of appeal conferred by this section.

(4) Before making any order under this section the Corporation shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf and shall after so considering it give notice of their decision to the person by whom the objection was made and if any person is aggrieved by any such decision he may within twenty-one days after receiving notice thereof appeal therefrom to the sheriff provided he sends written notice of the grounds of his appeal to the town clerk.

(5) The Corporation may take all such steps as may be necessary to adapt for use as a parking place any land not being part of a street which they may acquire or utilise under this section and may appoint such officers and servants as may be necessary for the superintendence of parking places.

(6) The exercise by the Corporation of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss of or damage to any

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A.D. 1926. — vehicle or the fittings or contents of any vehicle parked in such parking place.

(7) The Corporation may make regulations as to the use of parking places and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place as to the conditions upon which any such parking place may be used and as to the charges to be paid to the Corporation in connection with the use of any parking place not being part of a street.

(8) While any vehicle is within a parking place it shall not be lawful for the driver or conductor of the vehicle or for any person employed in connection therewith to ply for hire or accept passengers for hire.

(9) Any person contravening any of the provisions of this section or of any order or regulations made thereunder shall be liable to a penalty not exceeding forty shillings.

(10) Any order or regulations made under this section may be varied or revoked by any subsequent order or regulations made in like manner.

(11) In this section the expression "parking place" means a place where vehicles or vehicles of any particular class or description may wait.

Refuges &c.
in streets.

81.—(1) The Corporation may from time to time place maintain alter and remove in any public street such raised paving or place of refuge or such pillars rails or other fences temporary or permanent as they may think fit for the purpose of protecting passengers and traffic either along the street or on the footways from injury danger or annoyance or for the purpose of making the crossing of any street less dangerous to passengers or of facilitating the access to or exit from tramway cars or motor omnibuses or other public service vehicles.

(2) The Corporation may from time to time provide maintain alter and remove in any public street which has a greater width than eighty feet enclosures or pleasure grounds with such fences gates seats and erections as they may think fit and plant the same with trees shrubs flowers or grass.

Statues and
monuments.

82. The Corporation may from time to time in any street public park or public place erect or authorise the

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erection of any statue or monument and may maintain the same and also any statue or monument erected before the commencement of this Order and may remove to another site any statue or monument which has been taken over or is maintained by them. A.D. 1926.

83.—(1) The Corporation may from time to time erect or provide and maintain in upon or under any public street waiting rooms seats subways lavatories water-closets urinals weighing machines drinking fountains water troughs bins for sand and gravel or other materials orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper telephone kiosks electricity substations or transformer stations and other accommodation and conveniences and offices and shelters for the use and accommodation of the public or of any department of the Corporation or of the employees thereof or for any similar purpose and may use the solum of any public street for those purposes or any of them Provided that no such telephone kiosks shall be used in contravention of the exclusive privileges conferred on His Majesty's Postmaster-General by the Telegraph Act 1869. Erections &c. in on or under streets.

(2) The Corporation where they deem the same necessary or expedient may erect pawl posts in any street and if they so determine may remove the same or any pawl posts in any street Provided that this subsection shall not apply to a street maintained by the dock commission.

84. As soon as conveniently may be after the commencement of this Order the Corporation shall cause to be prepared a list of public streets and of any carriageways and footways or parts thereof the maintenance of which shall have been assumed by the Corporation and such list shall be added to from time to time as occasion may require and kept up to date The list prepared under the provisions of this section shall be kept in the office of the city road surveyor and shall be open to the inspection of any person without payment during the ordinary office hours. List of public streets.

85.—(1) The Corporation shall from time to time fix the name by which each public or private street shall be distinguished and they shall cause such name to be Naming of streets.

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A.D. 1926. affixed or painted in legible characters on a conspicuous part of any house building or place at or near each end corner or entrance of every such street and no name shall be given to any street except by the Corporation or with their consent and every person who destroys pulls down or defaces any such name or puts up any name different from the name put up or caused to be put up by the Corporation shall be liable to a penalty not exceeding forty shillings for every such offence.

(2) The Corporation as and when they consider necessary may by resolution alter the name of any street or part thereof Provided that prior to such resolution being made they shall give intimation thereof in one or more newspapers published in the city.

Numbering of buildings in streets. 86. The Corporation may from time to time cause to be affixed or painted on any building or place in any street such distinguishing number in such position and style as they may determine and every person who shall remove or deface such number or who marks or suffers to be marked or to remain thereon any other number or reference shall be liable to a penalty not exceeding forty shillings for every such offence and the Corporation shall be entitled to alter any such number at any time as they may think fit.

Permission for minor operations or erections on or under streets. 87.—(1) Subject to the provisions of this Order no person shall without the consent of the Corporation make any alteration 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 formation or construction under any street of underground pipes or ways cellars vaults arches chambers or other excavations or constructions or to the formation or construction in any street of pavement lights pavement crossings gratings coal or other shoots or special forms of paving or other constructions or operations 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 or operations shall be substantially made and shall not without the consent

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of the Corporation interfere with any sewer or drain or underground pipes or ways or communicate with any sewer or drain. A.D. 1926.

(4) All such constructions or operations shall be carried out at the sight and to the satisfaction of the city road surveyor and in the event of the city road surveyor at any time certifying to the Corporation that any construction or operation such as aforesaid and whether in existence prior to the commencement of this Order or not is in a state of disrepair or insecure or in a condition from which danger to any person using the street may be apprehended the Corporation may serve a notice under the hand of the city road surveyor requiring the owner of such lands and heritages in default to carry out such necessary work to make good such default as may be specified in the notice and in the event of such owner 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 and all costs and expenses so incurred by the Corporation shall be recoverable from the owner as a debt.

(5) Where consent is given by the Corporation to any such construction or operation during pleasure or for a limited time the owner 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 road surveyor failing which the city road surveyor may do so at the expense of such owner as aforesaid.

(6) Should any such construction or operation become insecure or any aperture in a street be left open so that any person may be endangered the city road surveyor may cause the same to be temporarily fenced or guarded at the expense of such owner as aforesaid and every person who shall permit any such construction or operation or any opening or aperture in a street to be in a condition dangerous to the public shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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Penalty for
making un-
authorised
alterations
or openings.

88. Every 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 causeway paving or other materials of the carriageway or footways of any street without the consent of the Corporation in writing or without other lawful authority shall be liable to a penalty not exceeding five pounds besides being bound to restore to the satisfaction of the city road surveyor the carriageway or footways so interfered with and failing his doing so shall be liable to a further penalty not exceeding twenty shillings for each and every day during which such failure continues.

Restoration
of street
where
openings
made.

89. Every 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 road surveyor not only the portion of the carriageway or footways which may have 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 and such portion of the carriageway or footways so restored or relaid shall be upheld and maintained by such person for the space of twelve months from and after the date when notice has been given to the city road surveyor of such restoration or relaying and in the event of such person failing to comply with this enactment the Corporation may after giving forty-eight hours' previous notice to such person restore relay or repair such carriageway or footways and the expenses thereof as the same may be ascertained by an account under the hand of the city road surveyor shall be recoverable by the Corporation as a debt from the person in default.

Filling up of
unautho-
rised open-
ings &c.

90. The Corporation may cause all unauthorised openings obstructions or erections in any street or any works or coverings in connection therewith to be filled up or removed.

Fencing of
areas &c.

91.—(1) Every owner of any area or premises which is or are on a lower level than any street adjoining the same who shall fail to fence the same in a sufficient

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manner for the protection of the public or who shall fail to maintain such fencing shall be liable to a penalty not exceeding twenty shillings besides being bound to carry out such fencing or repairs thereof as the Corporation may require by notice under the hand of the burgh engineer and in the event of such fencing or repairs not being carried out within the time mentioned in such notice the Corporation may carry out the same and the expense so incurred shall be recoverable by the Corporation as a debt from the owner in default.

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(2) This section shall not apply to any land required to be fenced in pursuance of the Railways Clauses Consolidation (Scotland) Act 1845 or to any land area or premises vested in the dock commission.

92.—(1) No person shall without the consent of the Corporation make erect fix place or maintain (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 shall in any way interrupt obstruct limit narrow or interfere with any street or any part thereof or (c) any signboard signpost pole overhead rail beam wire pipe cable or other thing which shall overhang any street or any part thereof (all of which are hereinafter in this section included in the expression “encroachment obstruction or projection”).

Encroachments and projections on streets.

(2) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may order the removal of any such encroachment obstruction or projection within a reasonable time to be specified in the order and every person failing to comply with such order within the time specified shall be liable 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 order and 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 owner and failing payment such expense shall be recoverable by the Corporation as a debt from the owner in default.

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(3) 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.

Byelaws as to wires &c. connected with wireless installations.

93.—(1) The Corporation may make byelaws for the prevention of danger or obstruction to persons using any street or public place from posts wires tubes aerials or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony installations stretched or placed whether before or after the commencement of this Order on or over any premises and liable to fall on to any street or public place.

(2) 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.

(3) Nothing in any byelaws made under this section shall extend to any apparatus belonging to any statutory undertakers.

Prevention of water flowing on footway.

94. The owner of any premises abutting on a street shall within twenty-eight days after the service of a notice in writing by the Corporation requiring him so to do provide and thereafter maintain such rhones down pipes channels or gutters or execute and maintain such works as may be necessary to prevent so far as is reasonably practicable surface water from the premises falling upon the street or flowing on to or over the footway and if he fails to do so he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For preventing soil and sand being washed into streets.

95. The owners or occupiers of any lands 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 and if any person shall for one month after notice in writing from the Corporation fail in any respect to

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comply with the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1926:
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96.—(1) The Corporation shall be entitled by notice under the hand of the burgh engineer to call upon the owner of any land fronting or abutting upon a street to fence the same or to put any fences enclosing the same into a proper state of repair in a sufficient manner having regard to the use of the land and that within a reasonable period to be specified in the notice and in the event of the notice not being complied with within the said period the Corporation shall be entitled at the expense of the owner of the said land to carry out such works as they may deem necessary for fencing such land or repairing any fence in a sufficient manner as aforesaid and the costs or expenses so incurred shall be recoverable by the Corporation from such owner as a debt. Fencing of land adjoining streets.

(2) This section shall not apply to any land required to be fenced in pursuance of the Railways Clauses Consolidation (Scotland) Act 1845 or to any land vested in the dock commission.

97. 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 rain water or the moisture that flows from or percolates through such bridge as shall prevent the same falling on persons passing along such street and any such owner failing to so erect place and maintain such screen or to adopt such other means within a time not less than twenty-one days to be specified in a notice from the Corporation to the owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Carrying off rain water from bridges.

98.—(1) Where any tree hedge or shrub overhangs any street footway or footpath so as to obstruct or interfere with the light from any public lamp or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on Lopping of overhanging trees hedges and shrubs.

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A.D. 1926. — which such tree hedge or shrub is growing requiring him to lop or cut the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference or danger and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost as a debt from the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any notice of the Corporation under this section may appeal to the sheriff within the foresaid period of fourteen days provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Index
plates
showing
position of
fireplugs
&c.

99. The Corporation may cause to be put up at or upon the railings or in or upon the walls of buildings or elsewhere in any street fire alarms battery boxes and index plates or make markings showing the position of the fireplugs in such streets or places and may put down fireplugs in any street and may attach telephone or telegraph wires necessary for the working of the fire establishment to any lands or heritages without being liable to any claim for compensation for so doing and any person who shall cause any obstruction to the putting up of such plates or markings or who shall pull down injure deface or destroy the same or shall wantonly ring any such fire alarm shall be liable to a penalty not exceeding five pounds for each offence and any person feeling himself aggrieved as to the mode in which the Corporation may carry out any of the powers in this section contained may appeal to the sheriff whose decision shall be final Provided that no such telephone or telegraph wires shall be used nor shall the powers herein contained be in any way exercised in contravention of the exclusive privileges conferred on His Majesty's Postmaster-General by the Telegraph Act 1869 Provided further that the Corporation shall not attach any such telephone or telegraph wires to any part of any bridge station depot aqueduct or other property forming part of the railway or canal of any railway company without the consent in writing of the engineer of such company such wires if allowed to be temporarily removed at any time when required by the said engineer in connection with the maintenance

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and reconstruction or alteration of any such bridge station depot aqueduct or other property. A.D. 1926.
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100. The Corporation may authorise the shutting up of any street or right of way for such period as they may deem necessary for the purpose of repairing or reconstructing the same or where the same has become or is about to become dangerous. Provided that notice of such shutting up shall be immediately given by advertisement in one or more newspapers circulating within the city. Shutting up streets for repairs &c.

101.—(1) The Corporation may by resolution passed or order made at a meeting of the Corporation after notice of the intention to exercise the powers of this section has been 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 and circulating in the city shut up 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 may 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 &c.

(2) Any resolution or order of the Corporation under this section shall be 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 and circulating in the city and by a printed copy thereof being affixed in some conspicuous place at both ends of such street or right of way and a notice narrating such resolution or order and containing a copy of this section shall be served on every owner lessee and occupier of lands and heritages fronting or abutting on or entering from the street or right of way referred to in the resolution or order.

(3) Within one month 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 and any person aggrieved by the resolution or order may within the said period of one month appeal

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A.D. 1926. to the sheriff against such resolution or order provided that he gives written notice of such appeal and the grounds thereof to the town clerk.

(4) On such resolution or order being reported to him the sheriff 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 shall hear parties and may require them to submit evidence and the sheriff may either confirm the resolution or order 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 and his decision shall be final as regards the said resolution or order and he may award expenses such expenses to be recoverable as a civil debt.

(5) In the event of the sheriff confirming the resolution or order he shall in his interlocutor 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 person or persons whose lands immediately adjoin thereto in the event of such person or persons appearing before the sheriff and claiming the same before the date of such interlocutor or failing such claim the sheriff shall declare the said solum to be vested in the Corporation and the solum so vested shall thereupon be deemed to be freed and discharged from the public use thereof.

(6) 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 and in the event of the sheriff declaring the solum to be vested in the person or 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.

Bridges over
and tunnels
or subways
under
streets.

102.—(1) The Corporation may and they are hereby authorised by resolution passed or order made at a meeting of the Corporation in the notice for which such purpose is specifically stated to allow any person in circumstances where they deem it expedient so to do to

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construct and maintain bridges over and tunnels or subways or pipes or ways under any street and such bridges tunnels or subways pipes or ways or any of them shall only be constructed with the consent of the Corporation and subject to such terms and conditions as the Corporation may prescribe and the person constructing the same or his successor in title shall be responsible for the proper maintenance and repair thereof and for any accident that may result from any default arising out of or in connection with such maintenance and repair Provided that no fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of any consent given by the Corporation under the provisions of this section. A.D. 1926.

(2) It shall be a condition of any such resolution or order that the person constructing any such bridge tunnel subway pipe or way or his successor in title shall at the request of the Corporation and at his own expense remove or alter the same in such manner as the Corporation require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to the street at any time and the decision of the Corporation that such removal or alteration is necessary or desirable shall be final and conclusive.

(3) For the purposes of section 7 of the Telegraph Act 1878 any work authorised or required by resolution or order under this section shall be deemed to be a work done in the execution of an undertaking authorised by Act of Parliament and for the purposes of the placing or maintenance of telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1925 a bridge tunnel subway pipe or way constructed or maintained in accordance with this section shall be deemed part of any street over or under which the same is constructed.

(4) The Corporation shall not under the powers of this section allow any person to construct any such bridge over or tunnel subway pipe or way under any street where a railway or canal undertaking or the undertaking of the dock commission or any part thereof including among others any tunnels bridge foundations abutments

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A.D. 1926. — sewers telegraph posts or wires might be affected by the construction of such works without the consent of the railway company concerned or of the dock commission and such railway company or the dock commission shall be entitled to prescribe the terms and conditions upon which the works may be constructed.

(5) The Corporation shall as soon as may be after any resolution has been passed or order made under the provisions of this section publish a notice of the same once in each of two successive weeks in one or more newspapers circulating in the city and any owner or person interested in adjoining property considering himself aggrieved by such resolution or order may appeal thereagainst to the sheriff provided that within one month from the first publication of such notice he gives written intimation of such appeal and the grounds thereof to the town clerk and in the event of any such appeal being made the sheriff shall take the resolution or order into consideration along with the appeal and shall hear parties and may require them to submit evidence and the sheriff may confirm the resolution or order as passed or made by the Corporation or subject to such alterations or modifications thereon as he may consider requisite 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 and his decision shall be final as regards the said resolution or order and he may award expenses such expenses to be recoverable as a civil debt.

PRIVATE STREETS.

Control and
mainten-
ance of
private
streets.

103.—(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 person or persons responsible for the maintenance of the same.

(3) After the commencement of this Order it shall not be competent to any person without the consent of the Corporation to close any street or interrupt the traffic therein where such street has been constructed in accordance with plans and sections approved by the

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Corporation and opened to public use Provided that this subsection shall not apply to any street maintained by the dock commission. A.D. 1926.
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104. Where in any private street (other than a street maintained by the dock commission) the carriageway or footway or any part thereof has not been sufficiently levelled made up constructed drained channelled paved and put in a complete and efficient state of repair to the reasonable satisfaction of the Corporation the Corporation may as and when they think fit by notice call upon the owners of the lands and heritages fronting or abutting on such street to free the carriageway or footway or any part thereof from obstruction and to properly level make up construct drain channel pave and complete the same in such way and manner and with such materials as the Corporation may specify and to the reasonable satisfaction of the Corporation within a time to be stated in such notice and in case any such notice is not complied with within the time so stated therein the Corporation may themselves at any time thereafter cause any such carriageway or footway or any part thereof to which such notice applies to be freed from obstruction and to be properly levelled made up constructed drained channelled paved and completed in such way and manner and with such materials as the Corporation may think fit and the costs and expenses which may be incurred by them in connection therewith shall be recoverable by the Corporation as a debt from the owner or owners in default and thereupon such carriageway or footway or part thereof shall be vested in the Corporation and thenceforth shall be maintained by them Provided that any drains to be provided under this section shall be drains for carrying off the surface water Provided further that nothing contained in this section shall apply to the lands and heritages belonging to a railway company unless and until houses or permanent buildings have been erected on one-fourth or more of the ground fronting or abutting on a private street or until such ground has been otherwise than temporarily enclosed and laid out to at least the said extent.

Private streets how to be completed.

105. If the carriageway or footway of a private street shall at any time be sufficiently levelled made up

Vesting of private streets

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poration.

constructed drained channelled paved and completed in such way and manner and with such materials as the Corporation may approve of and to the reasonable satisfaction of the Corporation then on the application of the owners of one-half or more of the frontage to such street the Corporation shall declare such carriageway or footway to be vested in them and the same shall thenceforth be maintained by them.

Temporary
repairs on
private
streets.

106.—(1) Where in the judgment of the Corporation it is not necessary or expedient that the carriageway or footway of any private street should be levelled made up constructed drained channelled paved or completed to the full extent as provided for in the section of this Order the marginal note of which is "Private streets how to be completed" the Corporation may by notice call upon the owners of lands and heritages fronting or abutting on such street or part thereof to put the same into a state of temporary repair or to remove grass or other vegetation therefrom to the reasonable satisfaction of the Corporation and to execute all or any of the following works as may be specified in the said notice (that is to say) :—

- (a) The carriageway to be properly levelled and laid with road metal or such other material as the Corporation shall deem proper;
- (b) Lines of kerb to be laid in such position to such level and of such size shape and material as the Corporation may determine;
- (c) Channels or gutters with gratings or gullies and drains to be made to carry off the water;
- (d) Temporary footways or crossings to be formed and made to secure the public convenience;

and the Corporation may from time to time in like manner and under like notice cause all such temporary works as may be necessary to be renewed and in case any notice given under the provisions of this section is not complied with within the time specified therein the Corporation may themselves execute all such work as aforesaid and all such renewals thereof which they think fit as and when they think necessary or cause the same to be done and the costs and expenses which may be incurred

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by the Corporation in connection with the carrying out of the provisions of this section shall be recoverable as a debt from the owner or owners in default. A.D. 1926.
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(2) 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 and 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 category as a private street.

107.—(1) Subject to the provisions of subsection (2) 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 road surveyor or other officer of the Corporation authorised for that purpose and 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 or abutting on such private street in proportion to the extent to which the lands and heritages of each owner lineally front or abut and in the case of any property where there are two or more owners the sum charged and allocated according to the proportion aforesaid in respect of such property shall be apportioned among them rateably according to the yearly rent or value therein of each such owner. Expenses of works on private streets.

(2) Where 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 where 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 the lands and heritages (whether fronting or abutting on such street or any part thereof or not) the owners of which

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— the proportion leviabie from each owner as they shall
consider under all the circumstances of the case to be
just.

(3) All such costs charges and expenses shall be recovered by the Corporation from the owners for the time being whether they were owners when the work was done or not as a debt with interest at the rate of five per centum per annum from the date when the first demand for payment of the same is made and 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 and failing payment by the owner the amount to the extent of any rent due or to become due may be recovered from the occupier who shall be entitled to deduct the amount paid by him from the rent payable to the owner.

Appeal.

108. Any person aggrieved by any order deliverance notice or requisition under the sections of this Order the marginal notes whereof are "Private streets how to be completed" "Temporary repairs on private streets" and "Expenses of works on private streets" or any of them may appeal to the sheriff by lodging with the sheriff clerk of the county of Midlothian a note of appeal within fourteen days after the date of the intimation of any such order deliverance notice or requisition which note of appeal shall state the grounds of such appeal and be signed by the appellant or his counsel or agent and the sheriff shall order a copy of the appeal to be served on the Corporation and appoint them within six days after such service to lodge answers thereto and shall thereafter hear parties and determine the matter of appeal with or without expenses :

Provided that except by way of appeal under the provisions of this section it shall not be competent for any person upon or against whom any order deliverance notice or requisition is pronounced or served or any person deriving right from him to found upon or plead against the Corporation any objection to such order deliverance notice or requisition or to resist or oppose any demand or action at the instance of the

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Corporation for recovery of any costs or expenses paid or incurred by them under any of such sections. A D. 1926. —

109. When any owner has well and substantially and to the satisfaction of the Corporation levelled made up constructed drained channelled paved and completed any part of the carriageway or footway of a private street or done any of such works the Corporation may give such relief to such owner as to them shall appear to be just. Relief of owner's expenses.

NEW STREETS.

110. Every person who proposes to lay out or form a new street shall make application in writing to the Corporation for authority so to do and no new street shall be laid out or formed except upon and in strict conformity with an order by the Corporation on such application as after mentioned: Laying out new streets.

Provided that for the purposes of this Order every continuation of a street shall be deemed to be a new street:

Provided further that where prior to the commencement of this Order the Corporation have approved of the plans and sections of a new street such approval shall remain in full force and effect during the currency thereof notwithstanding anything contained in this Order.

111. The following provisions with respect to applications to the Corporation for authority to lay out or form a new street shall apply and have effect (that is to say):— Applications for authority to lay out new streets.

(1) The application shall be in writing and shall be lodged with the town clerk:

(2) The application shall state clearly the following particulars with reference to the proposed street (that is to say):—

(a) A short description thereof mentioning the point of commencement and the point of termination and the name proposed to be given to the street;

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(b) The name and address of the owner of the land upon which the proposed street is to be constructed; and

(c) The proposed length widths and gradients:

- (3) There shall be lodged with the application a plan or plans of the street as proposed to be laid out with longitudinal and cross sections showing the levels of the surface of the ground above ordnance datum level the widths levels and gradients of the new street the intended position of the new street in relation to adjoining streets the widths levels and gradients of the street with which it is intended the new street shall be connected the proposed building kerb and centre lines the inner lines of the footways where these differ from the building lines any proposed passing or turning places and the intended lines of drainage:
- (4) The plans shall also have marked thereon the names and addresses of all persons owning any lands or heritages fronting or abutting on the new street:
- (5) The plans and the horizontal lengths of sections shall be to a scale of not less than one inch to every forty-four feet and the vertical height of sections shall be to a scale of one inch to every ten feet:
- (6) There shall also be lodged with the application a specification of the mode of construction of the new street and the relative means of drainage which specification shall state the materials proposed to be used:
- (7) Notice of the lodging of the application shall be served by the applicant upon the owners of all lands or heritages fronting or abutting on the proposed new street and also if desired by the Corporation upon the owners of such adjoining lands or heritages as the Corporation may specify and such notice shall state that objections to the application should be lodged with the

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town clerk within fourteen days from the date of the notice: A.D. 1926.

- (8) In the event of any objections being lodged the Corporation or a committee of their number shall as soon as conveniently may be afford the applicant and the objector or objectors an opportunity of being heard.

112.—(1) Every application lodged with the town clerk under the provisions of the immediately preceding section of this Order shall be considered and disposed of by the Corporation without any unnecessary delay. Order authorising laying out of new street.

(2) The Corporation before disposing of the application may require the applicant to submit a scheme of development of any land belonging to such applicant which will or may in their opinion be affected by the laying out of the proposed street.

(3) The Corporation may grant the application in whole or in part but if it shall appear to the Corporation that the proposed street or any portion thereof as regards width position gradient mode of construction or 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 is not in accordance with the provisions of this Order or is otherwise contrary to law or private rights or is unsuited to the proper development or amenity of the locality the Corporation may either refuse to grant the application or they may 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 they may also 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):—

- (a) Provision with reference to a cul-de-sac :
- (b) Provision with reference to a hollow square :
- (c) The provision of suitable and convenient accesses to the proposed street by cross streets continuation of streets or otherwise :

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- (d) The provision of secondary means of access to buildings in the proposed street :
- (e) 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 :
- (f) Provision for carrying off the surface water from the proposed street or from adjoining lands where the drainage thereof will be interfered with or affected by the construction of the proposed street :
- (g) Provision 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.

(4) If the Corporation as a condition of granting the application shall require the building line to be set back a greater distance than thirty-five feet from the centre of the street the owner if he proves that his property is injuriously affected by the building line being so set back and if he 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 and such compensation shall be ascertained in the manner provided in the section of this Order the marginal note whereof is "Prescription of building lines."

(5) The Corporation shall before making an order under the provisions of this section communicate the terms of the proposed order to the person making the application and in the event of such person being dissatisfied therewith he shall be entitled to withdraw the application.

(6) An order made by the Corporation under the provisions of this section shall be binding upon the applicant and every successive owner or owners of the

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land to which such order applies unless the Corporation see fit to revoke or alter the same and in the event of such owner failing to give effect to the conditions contained in any such order the Corporation without prejudice to the enforcement of the penalties provided for in the section of this Order the marginal note of which is "Penalties for laying out street contrary to this Order" may in their option execute such works as may be necessary to give effect to such conditions and the cost thereof shall be recoverable by the Corporation as a debt from the owner in default.

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(7) The period of endurance of an order made by the Corporation under the provisions of this section shall be three years from the date of such order and the order shall cease to have effect after the expiration of that period except as regards so much of any work authorised by such order as is then completed. Provided that in exceptional circumstances the Corporation at the time of making the order may extend the period of endurance thereof to a period not exceeding five years from the date of the order. Provided also that the period of endurance of any such order may in the discretion of the Corporation be renewed for a period not exceeding three years from the date of renewal. Provided further that the provisions of this subsection shall apply to the case of any new street the plans of which had been approved by the Corporation prior to the commencement of this Order substituting the date of approval of such plans for the date of an order under this section.

(8) Any alterations required or approved of on the plans sections and specifications as originally lodged with the application shall be clearly marked thereon so as to distinguish them from the original proposals and the Corporation may if they think proper require amended plans sections and specifications to be lodged and the plans sections and specifications as finally approved shall be signed by the town clerk as relative to any order made under the provisions of this section and such plans sections and specifications shall be kept in the office of the burgh engineer and shall be open to inspection by any person interested without charge.

113. Where in connection with the laying out of a new street it is proposed to construct a new bridge

New bridge.

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A.D. 1926. — detailed plans and specifications of such bridge shall be lodged along with the application for authority to lay out such new street and such bridge and the approaches thereto shall be reckoned as forming part of such new street and the Corporation may in any order granted under the provisions of the section of this Order the marginal note whereof is "Order authorising laying out of new street" specify or impose such conditions as they may in their discretion think necessary or expedient in regard to the width and gradients of the proposed new bridge and the approaches thereto and the design materials construction and stability of such new bridge Provided that the provisions of this section shall not apply to the property of a railway company or to any bridge constructed or to be constructed by a railway company under any statutory power.

Penalties
for laying
out street
contrary to
this Order.

114.—(1) Every person who without having obtained an order therefor from the Corporation under the provisions of this Part of this Order or otherwise than in conformity with such order shall lay out or form or begin to lay out or form any new street or part thereof or who in carrying out any such operation shall deviate from the plans sections and specifications sanctioned by the Corporation or contravene or fail to comply with any conditions contained in an order made by the Corporation shall be liable to a penalty not exceeding fifty pounds.

(2) In case of any contravention in this section mentioned the Corporation may by resolution order the closing of such street or part thereof or the restoration of the same to its previous condition or the execution of such works upon the same as they may judge requisite to make the same conform to or as nearly as may be conform to the sanctioned plans sections and specifications and conditions of the order aforesaid.

Any such resolution may specify dates for the commencement and completion of the work ordered and any person failing to commence or complete the work ordered within the period specified shall in addition to any penalty which he may incur under the provisions of subsection (1) of this section be liable to a penalty not exceeding five pounds for each day after the respective dates so specified during which such failure shall continue.

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(3) Where any works specified in such resolution have not been commenced or completed at the respective dates the Corporation shall be entitled to carry out such works and to recover the cost thereof as a debt from the person in default.

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115. It shall be lawful for the Corporation on such terms and conditions as they may think necessary or expedient to agree with any person for the making of a new street for the public use through the lands and at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation and to agree that such street or the carriageway thereof shall become on completion a public street or a public carriageway and it shall be lawful for the Corporation to agree with such person to advance any portion of the expense of making such street out of or on the security of the burgh assessments and accordingly to advance the same Provided that the expense so advanced shall be repaid to the Corporation in such manner as they may fix.

Corporation
may agree
as to making
of new
streets.

116.—(1) The Corporation shall be entitled to lay out and construct any new street upon any lands belonging to them or upon any lands which they may acquire for the purpose.

Construc-
tion of new
streets by
Corporation.

(2) If at any time the Corporation shall desire to construct any new street or part thereof for the laying out of which an order has been made under the provisions of the section of this Order the marginal note whereof is "Order authorising laying out of new street" or of which plans and sections shall have been approved by the Corporation prior to the commencement of this Order they may after giving three months' notice in writing prior to any term of Martinmas to the owners of the lands over which any such street or part thereof is to be constructed or of any lands or heritages fronting adjoining or abutting thereon of their said desire enter upon the lands of the said owners or any of them and lay out and construct such street in whole or in part in conformity with such order or such plans and sections including all necessary cuttings and embankments carriageway and footways crossings kerbs gutters gratings and all other work incidental thereto or connected

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A.D. 1926, therewith all necessary drains and sewers and other
— underground works and all necessary fencing.

(3) The costs charges and expenses so incurred shall be defrayed by the Corporation in the first instance but may be recovered by the Corporation in the way or manner in which the costs charges and expenses incurred by the Corporation in connection with works on private streets are or may be recovered under the provisions of this Order and the Corporation shall have all such powers of apportioning the said costs charges and expenses upon the lands and heritages fronting adjoining or abutting upon any such street or such part thereof as are competent to them under the provisions of this Order in the case of works on private streets.

(4) The Corporation may prescribe a period of time within which the sum or sums apportioned upon any person under the provisions of this section shall be payable and in prescribing such time for payment shall take into consideration the time at which the construction of such street will be of benefit to any person upon whom any apportionment is proposed to be made as aforesaid Provided that in the event of any new street or any part thereof being constructed upon any lands under the provisions of this section without the consent in writing of the owner of such lands the Corporation shall not be entitled to recover any sum apportioned upon such lands unless and until such lands are actually built upon or laid out or used as garden or pleasure ground or pertinent to a house or building and shall then and from time to time only be entitled to recover such part of the sum so apportioned as shall be properly attributable to the land so used Provided further that no interest upon such apportioned sum shall be payable to the Corporation in respect of the period from the date of apportionment until such time as the Corporation shall have become entitled as aforesaid to recover such apportioned sum.

(5) Any new street or the carriageway or footways of any new street laid out and constructed by the Corporation under this section shall vest in and be maintained by the Corporation under the provisions of this Order without prejudice to the right of the Corporation under the provisions of this section to recover the costs charges and

expenses incurred by them in connection with the laying out and construction thereof. A.D. 1926.

(6) Where any lands or heritages of a railway or canal company shall wholly or partially front adjoin or abut upon any new street or part thereof constructed by the Corporation under the provisions of this section and such lands or heritages shall at the time of the construction of such street be used by such company solely as a part of their line of railway canal or siding station towing path or works and shall have no direct communication with such street the Corporation shall not be entitled to recover any part of the costs charges and expenses incurred in connection with the construction of such street effecting to such lands or heritages but they shall be entitled to recover the same from such company if and when such company subsequently make a communication with such street from such lands or heritages.

117. Before any operations in laying out or forming a new street are commenced or where such operations after being commenced are suspended for a period of three months or longer before the same are resumed written notice stating the date of the intended commencement or resumption shall be given to the city road surveyor not more than three days before such commencement or resumption and any person who commences or resumes such operations in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds. Notice before commencement of operations.

WIDTH OF STREETS.

118. Every new street or part thereof (except any new street or part thereof the plans of which shall have been submitted to and approved of by the Corporation prior to the commencement of this Order and the period of endurance of such approval shall not have expired) shall be of a width of not less than sixty feet provided as follows:— Width of streets.

- (1) 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

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to such conditions as they may deem proper as regards the length of such street the minimum widths of carriageway and footway the provision of passing or turning places or such other conditions relating to such street as may in the opinion of the Corporation be necessary in the circumstances :

- (2) 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 Provided however that the owner of the land on which such proposed 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 sixty feet and any 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 Provided further that after such street has been constructed the owner if he makes a claim within six 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 sixty feet and such compensation may be settled by mutual agreement or in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Acts is directed to be settled.

Preliminary
lay-out of
streets.

119. The Corporation may permit by way of preliminary lay-out of any new street of which plans and sections shall have been approved by them such modified construction as regards width and materials as they may think fit Provided as follows (that is to say) :—

- (1) The temporary formation shall be carried out to the satisfaction of the Corporation :

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(2) The execution of such modified construction shall in no 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: A.D. 1926.
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(3) In the event of the owner failing to begin to lay out such street to its full extent as aforesaid within six weeks from the date of the notice calling for the same and to complete the formation within such period as the Corporation may reasonably require the Corporation may themselves carry out the construction of such street and the costs charges and expenses thereof as the same shall be determined by a certificate under the hand of the city road surveyor shall be recoverable by the Corporation as a debt from the owner in default.

120. When any building is taken down in whole or in part in order to be altered or is to be rebuilt the Corporation may require the same to be set backwards to or towards the line of the street or the line of the adjoining buildings or such other line as may be fixed by the Corporation in such manner as the Corporation may direct for the widening or improvement of such street Provided always that the Corporation shall make compensation to the owner of such building for any damage he may thereby sustain which compensation may be settled by mutual agreement or in the same manner as compensation for land to be taken under the provisions of the Lands Clauses Acts is directed to be settled. Projecting buildings when taken down to be set back.

121. Where there is an area or piece of ground lying between the street and an existing building and it is proposed to bring forward such building or to build over such area or piece of ground the outer line of the front wall of such intended building shall not extend forward beyond the centre line of the existing wall Buildings not to extend beyond centre line of boundary wall.

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Provided that this enactment shall not apply so as to
authorise any building on such area or piece of ground
where such building would not otherwise be lawful.

Distance
buildings
may be kept
back from
centre line
of street.

122.—(1) Subject to the provisions of this Order it shall not be lawful without the written consent of the Corporation to erect or bring forward any building within a distance of thirty feet from the centre of any street or beyond the front main wall of the building on either side thereof in the same street where such main wall is more than thirty feet back from the centre of the street.

(2) Where such front main wall is more than fifteen feet back from the side of the street it shall be lawful to erect or bring forward any building up to fifteen feet from the side of the street subject to such building being in every case at least thirty feet back from the centre of the street.

(3) For the purposes of this section a building shall not include a boundary wall railing or fence not exceeding six feet in height.

Distance of
buildings
from inner
line of
Promenade.

123. It shall not be lawful without the written consent of the Corporation to erect or bring forward any building within a distance of twenty-five feet from the centre of any part of the Promenade next to or adjoining the sea beach or shore at Portobello or any prolongation or extension thereof Provided that where under the provisions of this section the owner of any lands or heritages is prevented from building within the said distance he shall if he considers that his property is injuriously affected thereby be entitled to recover from the Corporation compensation for the injury sustained provided he makes a claim within six months after the date of any application to the Corporation for their consent under the provisions of this section and such compensation failing agreement shall be determined in the manner provided in the Lands Clauses Acts.

Prescription
of building
lines;

124.—(1) Where in the opinion of the Corporation—
(a) any public street is narrow or inconvenient
or without any sufficiently regular boundary
line; or

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(b) it is necessary or desirable that a public street should be widened or that provision should be made to facilitate the widening thereof to meet development of traffic; A.D. 1926.
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the Corporation may by resolution prescribe in relation to either side of any such street or any part thereof a frontage line for building (in this section referred to as a "building line").

(2) The building line or building lines which the Corporation propose to prescribe and the centre line of the street shall be distinctly marked and shown on a plan of such street to be signed by the town clerk and deposited with the burgh engineer and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation by resolution formally prescribe the building line or building lines they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every owner interested whose name appears in the valuation roll and any such owner shall be entitled within the said period of one month to lodge objections with the town clerk and the Corporation shall consider and dispose of such objections before they pass any such resolution. The building line or building lines which the Corporation may by such resolution prescribe shall be shown on a plan to be signed deposited and made open for inspection as aforesaid. The Corporation shall as soon as may be after passing the resolution prescribing the building line or building lines send notice thereof in writing to the objectors and any such objector considering himself aggrieved by such resolution may appeal thereagainst to the sheriff. Provided that within one month after the date of the notice intimating such resolution the objector so appealing gives written intimation of his appeal and the grounds thereof to the town clerk and in the event of any such appeal being made the sheriff shall take the resolution into consideration along with the appeal and shall have power to make such order thereon as he thinks fit and the order of the sheriff shall be final as regards the said resolution and shall not be subject to appeal to any court.

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(3) Except with the consent of the Corporation in writing which consent may be given for such period and subject to such terms and conditions as they may deem expedient it shall not be lawful in any such street to erect or bring forward in front of the building line or nearer to the centre of the street than the building line any building or any part thereof or any addition thereto other than a boundary wall or fence not exceeding six feet in height.

(4) Where the building line so prescribed is at a greater distance than thirty feet from the centre line of the street shown on the deposited plan the owner if he proves that his property is injuriously affected by the prescription of the building line and if he makes a claim within six months after the prescription thereof shall be entitled to recover from the Corporation compensation for the injury sustained.

(5) The Corporation may at any time after the building line has been prescribed on giving three months' notice in writing to the owner lessee and occupier of any building which or any part of which was beyond or in front of the building line at the date when the same was so prescribed require that such building shall be pulled down set back or altered so that the same shall not project beyond or in front of the building line. Provided that the Corporation shall make compensation to the owner lessee and occupier of any such building or to any of them for any loss or damage sustained by such owner lessee or occupier by or in consequence of such building being pulled down set back or altered.

(6) When any building which or any part of which was beyond or in front of the building line at the date when the same was so prescribed has become ruinous or has been demolished or is to be rebuilt or restored the Corporation may require that the same be set backwards to the building line. Provided that the Corporation shall make compensation to the owner of any such building for any loss or damage which he may thereby sustain.

(7) The Corporation may at any time purchase and take by agreement or compulsorily under the provisions of the Lands Clauses Acts the land lying between the

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building line and the street or any part of such land and for the purpose of this section in the application of the Lands Clauses Acts thereto this Order shall be deemed to be the special Act and the Corporation to be the undertakers and the Corporation notwithstanding the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be entitled to purchase and take such land as aforesaid without being obliged or compellable to purchase and take the remainder or any greater portion of the subjects of which such land forms part Provided that the land so purchased and taken shall vest in the Corporation as part of the street.

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(8) The amount of any compensation or purchase money payable under this section and the question whether compensation is payable shall failing agreement be ascertained under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 on the application of either party and in determining the amount of the purchase money payable under the provisions of subsection (7) of this section the arbiter shall take into account any compensation which may have already been paid in respect of the same land under the provisions of subsection (4) of this section.

(9) Any person who shall contravene any of the provisions of this section shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the Dean of Guild Court shall have power to impose the said penalties on a prosecution at the instance of the procurator fiscal of such court.

(10) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

125.—(1) Where at any corner of any street it is in the opinion of the Corporation desirable to fix or set back the line of frontage in order to facilitate traffic the Corporation may prescribe the building line to be observed at such corner and within such distance not exceeding twenty yards from the corner as the Corporation may prescribe.

Building lines at corners of streets.

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(2) The provisions of the immediately preceding section of this Order other than subsection (1) thereof shall apply in every case where the Corporation prescribe a building line under the provisions of this section.

(3) Where an application is made to the Dean of Guild Court for warrant to erect or alter a building at or near the corner of any street and the Corporation have not prescribed a building line to be observed at such corner the Dean of Guild Court may unless the applicant and the Corporation agree as to the line of frontage to be observed at such corner continue the application for such reasonable time as may be necessary in the circumstances to enable the building line to be prescribed under the provisions of this section.

Height of
fences and
hedges at
street
corners.

126.—(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 situate at the corner of any street prescribing the height of fences boundary walls hoardings 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 and thereupon the following provisions shall have effect:—

- (a) Unless such notice is withdrawn by the Corporation no person shall erect a fence or wall or hoarding or permit a hedge tree or shrub to grow to a greater height than that prescribed contrary to the requirements of the notice;
- (b) If required by the Corporation the owner of such land shall reduce the height of any fence wall hoarding hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may enter upon the land and reduce the height of such fence wall hoarding hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be recoverable by the Corporation as a debt from the owner in default.

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(3) If any person for a period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may enter upon the land and themselves carry out the requisition of their notice. A.D. 1926.
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(4) In cases where under paragraph (b) of subsection (1) of this section the height of any existing fence wall hoarding 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 hoarding hedge tree or shrub but no compensation shall be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice.

(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to the sheriff within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(6) 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.

(7) 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.

PRECAUTIONS DURING BUILDING OPERATIONS &c.

127. When any building materials rubbish or other things are laid or any hole made in any street whether by order of the Corporation or not the person causing such materials to be so laid or hole to be made shall at his own expense cause a sufficient light to be fixed upon or near the same and continue such light every night from sunset to sunrise while such materials or

Deposits of building materials or excavations.

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A.D. 1926. — hole remain and cause such materials or hole to be sufficiently fenced and enclosed until they are removed or the hole filled up or otherwise made secure and every such person who fails so to light fence or enclose such materials or other things or hole shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and in no case shall such materials or other things or such hole be allowed to remain longer than may be fixed by the city road surveyor under a penalty not exceeding five pounds to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made and a daily penalty not exceeding forty shillings.

Provisions
as to hoard-
ings and
conve-
niences for
workmen.

128. In every case where any hoarding enclosure or fence has been put up in any street the name and address of the builder shall be painted in conspicuous letters on the hoarding and the person erecting the same shall provide when required for the use of the workmen employed at the work suitable conveniences to the satisfaction of the Corporation and such conveniences shall be periodically cleansed to the satisfaction of the inspector of cleansing. Every person contravening the provisions of this section shall be liable to a penalty not exceeding five pounds.

Footways
&c. in front
of houses
&c. being
built or
repaired to
be kept
clean.

129. When any building is in course of erection or is undergoing alteration or repair the footway immediately in front thereof and also in front of the building on either side thereof or on the outside of the hoarding or fence enclosing the same shall be regularly swept and kept free of mud or dust and other deposits by the person engaged in erecting or in altering or repairing such building to the satisfaction of the Corporation and every person who fails to sweep and keep clean from mud dust or other deposit such footway shall be liable to a penalty not exceeding forty shillings.

Building
materials
may be
forfeited.

130. The Corporation may seize forfeit and carry off any building materials or other things deposited on any street and left unenclosed and sell or otherwise dispose of the same as they shall see fit accounting in the case of sale or other disposal of such building materials

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or other things to the owner thereof for the balance of the proceeds of such sale or disposal. A.D. 1926.

131. Whenever any hole excavation or open place in or near any street is in the opinion of the Corporation not sufficiently fenced or guarded or is otherwise dangerous to the persons using or passing the same or to the public the Corporation may by notice order within such time as they shall consider proper the fencing or other repair thereof by the owner and failing compliance with such order they may direct such works to be executed as they shall consider necessary to secure the public safety and the cost of such works shall be recoverable by the Corporation as a debt from the owner in default. Power to order fencing &c. of excavations.

132. The Corporation 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 precaution against accident by shoring up and protecting the adjoining buildings or walls and may prevent such street from being used as a common passage or thoroughfare while any such work is carried on and the Corporation shall cause the same to be lighted fenced and guarded during the night so as to prevent accidents and every person who uses such street while so stopped as a common passage or thoroughfare or extinguishes any light without the authority or consent of the Corporation shall for every such offence be liable to a penalty not exceeding five pounds. Street may be stopped during repairs &c.

133. Every person intending to erect or take down any building or alter or repair any building where any street or any part thereof may be obstructed or rendered inconvenient by means of such works shall obtain from the Corporation a permit in terms of the immediately succeeding section to occupy temporarily a portion of such street for the purpose of depositing building materials or erecting staging or scaffolding or otherwise in connection with his operations and such permit being obtained shall put up and maintain to the satisfaction of the city road surveyor for such time as is specified in such permit or any extension thereof granted by the Hoardings &c. to be set up during repairs.

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A.D. 1926. Corporation hoardings barricades or fences in order to separate the building from such street with convenient platforms and handrails if there be room enough to serve as footways for passengers outside of such hoardings barricades or fences and also substantial overhead coverings all of such description materials and dimensions and in such positions as the city road surveyor may direct and such person shall in all cases cause such hoardings barricades or fences and other works to be sufficiently lighted from sunseting to sunrising and until such hoardings barricades or fences and other works are erected to the satisfaction of the city road surveyor and while and so long as they are not maintained as aforesaid the city road surveyor shall be entitled to prohibit and stop all operations in connection with the erection taking down altering and repairing of such building and 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 and the city road surveyor shall be entitled to call upon any police officer or constable to render such assistance as may be required to enable him to carry the provisions of this section into effect and every such person who puts up any such hoarding or barricade or fence or other works without previously obtaining such permit so to do or who after obtaining such permit fails to put up and maintain as aforesaid during the time aforesaid and keep lighted from sunseting to sunrising such hoardings barricades or fences and other works or who does not remove the same at the expiry of the period specified in such permit or of any extension thereof as aforesaid shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation shall have power to make such charge for the occupation of such portion of the street as they shall consider just.

Permit for
operations
on streets.

134. In any case where in terms of the provisions of this Order the authority or consent of the Corporation is required for any operations upon any street or for the temporary occupation of any part of such street such authority or consent may be granted by the Corporation by the issue of a permit which shall be signed by the

town clerk or the city road surveyor or other officer for which permit a charge of two shillings and sixpence shall be made. Provided that (1) any such permit shall be granted only for such time and shall be subject to the provisions regarding hoardings fences and other protective works specified in this Order where such provisions are applicable and shall also be subject to such further terms and conditions as the Corporation or the city road surveyor may prescribe (2) any person obtaining any such permit shall in erecting and maintaining such hoardings fences or other works or any of them or in carrying out any other term and condition of such permit obey any orders regarding the same that the Corporation or the city road surveyor may issue to him (3) the Corporation may on such grounds as to them shall seem reasonable grant an extension of the period originally prescribed in any such permit subject to the terms and conditions on which such permit was originally granted or on such modified or further terms and conditions as they may think proper and (4) the powers conferred by this section shall not prejudice or affect any of the rights and powers vested in the Dean of Guild Court of issuing warrants for the erection of hoardings and other structures for advertising purposes or of approving or disapproving of any crane scaffolding staging or shoring and no permit issued by the Corporation in terms of this section shall come in place of or entitle the person by whom or on whose behalf such operations are being carried out to dispense with the necessity of obtaining a warrant or approval of the Dean of Guild Court where such is required by any of the provisions of this Order.

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RIGHTS OF WAY.

135.—(1) The Corporation may for the preservation and maintenance of any right of way within the city the acquisition of which in the opinion of the Corporation is beneficial to the inhabitants of the city or any part thereof acquire by agreement any such right of way.

Rights of way.

(2) The Corporation may repair and maintain all or any of the public ways within the city which parish councils within the suburban areas annexed to the city by the Act of 1920 maintained or were authorised to maintain or which may be acquired by the Corporation

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A.D. 1926. — under the provisions of this section and the expense of such repair and maintenance shall be defrayed out of the burgh assessments under the second head of estimate mentioned in section 66 (Expenses to be estimated) of the Act of 1879 but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance and such repair or maintenance shall not involve the Corporation in any liability for damages to person or property resulting from the condition in which any such way may be maintained.

SAVINGS.

Saving for works of railway companies and dock commission.

136.—(1) Nothing contained in the sections of this Order the marginal notes of which are respectively "Refuges &c. in streets" "Statues and monuments" "Erections &c. in on or under streets" "Permission for minor operations or erections on or under streets" and "Index plates showing position of fire-plugs &c." shall empower the Corporation to interfere with the accesses both for vehicular and pedestrian traffic to any station or depot of any railway company.

(2) Nothing contained in the sections of this Order the marginal notes of which are respectively "Prescription of building lines" "Building lines at corners of streets" and "Height of fences and hedges at street corners" or in subsection (4) of the section of this Order the marginal note of which is "Order authorising laying out of new street" shall apply to any property occupied used or held by the dock commission or by a railway company for the purposes of their railway or canal without the consent of the dock commission or the railway company as the case may be.

PART V.

SEWERS AND DRAINS.

Sewerage undertaking to continue vested in Corporation.

137. 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

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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.

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138.—(1) Subject to the provisions of this Order the Corporation shall maintain the sewerage undertaking in a good and sufficient state of repair and they may repair enlarge deepen alter divert cover over renew or otherwise improve and maintain all or any of the sewers or other works forming part of the sewerage undertaking and if any of such sewers or works appear to them to have become useless or not required the Corporation if they think fit to do so may demolish and discontinue such sewers or other works Provided that if any person is thereby deprived of the lawful use of any sewer the Corporation shall provide another sufficiently effectual for his use.

Mainten-
ance of
sewerage
under-
taking.

(2) Subject to the provisions of this Order the Corporation shall make or cause to be made provision for effectually draining the city in a suitable manner and they may extend the sewerage undertaking and construct or provide or cause to be constructed or provided such new or additional sewers as may be necessary other than private sewers or drains for the drainage of the lands of any person or of any buildings erected or to be erected thereon.

139. 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 or permitted by them.

Nuisance.

140. Notwithstanding the provisions of the Lands Clauses Consolidation (Scotland) Act 1845 with regard to the sale of superfluous lands it shall be in the power of the Corporation to retain use sell feu lease or otherwise deal with any land acquired for the purposes of the Water of Leith Purification and Sewerage Order 1908 which may not be required for the sewerage undertaking.

As to super-
fluous land.

141. The Corporation may carry any sewer which they may consider necessary for the drainage of the city through across or under any public or other road or any street or place or through or under any underground cellars or vaults which may be under the carriageway or

Power to
make
sewers.

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A.D. 1926. — footways of any street and after reasonable notice in writing into through or under any lands whatsoever doing as little damage as may be and making full compensation for any damage done and the Corporation may also construct such reservoirs tanks sluices engines and other works as they may think necessary for cleansing sewers or dealing with or treating the sewage.

Notice
before com-
mencing
sewerage
works.

142. The Corporation shall one month 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 give notice of the intended work by advertisement in one or more newspapers circulating in the city which notice shall describe the nature of the intended work and shall state the intended termini thereof and the name of the lands through across under or on which the work is to be made and shall refer to the plans of the intended work and shall specify a place where such plans may be seen and a time when and place where persons interested in such intended work may be heard thereupon.

Meeting to
hear
objections.

143. The standing committee of the Corporation in charge of sewers shall meet at the time and place mentioned in the said notice to hear any objections against such intended work and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard at such meeting and the committee shall consider such objections and report thereon to the Corporation and thereupon the Corporation may at their discretion proceed with the said intended work or make such alterations thereon as they judge fit or abandon the same.

Construc-
tion of new
sewers.

144.—(1) When a sewer is proposed to be laid or constructed by any person for the drainage of his lands or of any building erected or to be erected thereon and the said sewer is to be connected to any sewer of the Corporation such person shall submit to the Corporation plans and sections of the proposed sewer and make application for the approval thereof and the provisions with reference to applications for authority to lay out new streets and the disposal of such applications contained in Part IV. (Streets) of this Order shall in so far as the same may be applicable extend and apply thereto

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Provided that applications for authority to construct new streets and sewers respectively may be conjoined.

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(2) The plans to be lodged with reference to any proposed new sewer shall show the intended line of the sewer its size depth and inclination the proposed point of junction with the sewer of the Corporation the method of making such junction and the details of the arrangements proposed to be adopted for ventilation and there shall be lodged with such plans a specification of the materials proposed to be used in the construction of such sewer.

(3) No new sewer which is to be connected to any sewer of the Corporation shall be laid or constructed otherwise than in accordance with the provisions of this section and the provisions of the section of this Order the marginal note whereof is "Penalties for laying out street contrary to this Order" shall apply in the case of any contravention of the provisions of this section.

145. When a sewer is proposed to be laid or constructed by any person for the drainage of his lands or of any building erected or to be erected thereon and the said sewer is to be laid or constructed along any street laid out or to be laid out upon such person's lands the Corporation may require the said sewer to be formed of larger diameter than that required for such drainage and laid at such levels as may be required for the effectual drainage of other lands buildings or streets and the additional cost beyond the cost of a sewer sufficient for the effectual drainage of such person's lands in order to meet the requirements of the Corporation shall be paid by the Corporation as such additional cost shall failing agreement be determined by the engineer of the Scottish Board of Health whom failing by an engineer to be appointed by the said board on the application of either party and immediately upon the completion thereof such sewer shall vest in and be maintained by the Corporation as a public sewer :

Corporation may require sewers to be constructed of larger dimensions than proposed by owner.

Provided that as a condition of allowing any person other than the owner through whose lands such sewer is constructed or his feuars to make use of such sewer for the drainage of his lands or of the buildings to be erected thereon the Corporation shall be entitled to recover from such person the additional cost of such sewer effecting

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to his lands paid by the Corporation as aforesaid without interest Provided further that nothing in this section shall prevent the owner through whose lands the sewer is constructed from recovering from his feuars or others making connections with the said sewer the cost (so far as not repaid to him by the Corporation) incurred by him in constructing such sewer.

No building to be erected on a lower level than will permit of sufficient drainage.

146. No building shall be erected upon a lower level than will allow the drainage to pass into a sufficient sewer and no floor of a new or existing building and no cellar vault or chamber requiring drainage shall be formed or constructed at a lower depth than will admit of the drainage of the same passing to the satisfaction of the burgh engineer into a sufficient sewer either then in existence or authorised to be constructed The Corporation shall not be liable for any flooding of or for providing drainage for any floor cellar vault or chamber formed or constructed at such lower depth as aforesaid.

Provision as to double system of drainage.

147. Where in accordance with the provisions of the Order of 1908 any house or building has been provided with a double system of drainage the owner for the time being of such house or building shall be bound to maintain such double system of drainage and shall not be entitled to discharge surface water from such house or building into any sewer of the Corporation or into any drain discharging into such sewer and every such owner who in contravention of the provisions of this section shall discharge surface water into such drain or sewer shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Taking over of surface water drains.

148. The Corporation may at any time by agreement acquire and take over on such terms and conditions as may be agreed on and thereafter maintain any surface water drain constructed under the provisions of the Order of 1908 or otherwise.

Control and maintenance of private sewers.

149. All sewers in private streets or sewers not vested in the Corporation shall be maintained to the satisfaction of the Corporation by the owners thereof or by the persons responsible for the maintenance of the same and the provisions of the section of this Order the marginal note whereof is "Sewers and drains to be kept in good repair by owners" shall apply to such sewers.

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Unless the same shall have been sooner vested in the Corporation or unless otherwise agreed between the owner and the Corporation a sewer in a private street shall be held to be vested in the Corporation when the carriageway of such private street has been taken over and vested in the Corporation under the provisions of this Order.

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150. The Corporation shall be entitled to use for the purposes of any of their departments the sewage or water in any sewer of the Water of Leith Undertaking or surface water drain of the Corporation and shall be entitled to carry out and maintain any such works or alterations upon such sewer or surface water drain as may be necessary to enable them to abstract sewage or water from such sewer or surface water drain.

Corporation
may use
contents of
sewers.

151.—(1) Subject to the provisions of this Order any owner of lands and heritages outside the city or the local authority of any district under the Public Health Acts 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 any sewer from the district of such local authority Provided that such sewer of the Corporation and any works connected therewith are of sufficient capacity and otherwise suitable for receiving such additional drainage and that the additional sewage so to be emptied or discharged into the sewers of the Corporation is not of a nature to cause damage to the structure of the sewer or by admixture with other sewage therein to cause a nuisance.

Use of
sewers by
persons
outside
city.

(2) The Corporation may and they are hereby authorised and required subject to the provisions of this Order to permit the owner or occupier of any lands and heritages within the drainage area of the river beyond the city to join or connect any sewer or drain from such lands and heritages with a sewer of the Corporation on such terms and conditions as the Corporation shall think fit or as may be agreed between the Corporation and such owner or occupier or as failing agreement may be determined by an arbiter to be appointed by the sheriff on the application of either party.

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Erection of
buildings
over sewers.

152. No building shall be erected over any sewer of the Corporation without previous written notice being given to the Corporation so that such works as they may deem necessary may be executed by and at their expense for the protection of such sewer and if any building be constructed contrary to this provision the Corporation may remove the same and the expense thereby incurred shall be recoverable by the Corporation as a debt from the person constructing such building.

Ventilation
of sewers.

153.—(1) The Corporation may for the purpose of providing ventilation for sewers acquire by agreement lands and heritages or wayleaves thereover and may construct all ventilating shafts furnaces or other means of ventilating the sewers and other works which may from time to time be found necessary.

(2) The Corporation may 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 for such ventilation and may fix such ventilators pipes or shafts into on or against all such buildings as to them may seem proper and as may be agreed on making reasonable compensation to the owners or occupiers thereof in respect of structural damage done or material injury occasioned to such buildings.

Interruption
of free flow
of sewage.

154. It shall not be lawful for any person to throw or suffer to be thrown or to pass into any sewer of the Corporation or any drain connecting therewith any matter or substance by which the free flow of the sewage or surface or storm water may be interfered with or by which any such sewer or drain may be injured. Every person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

Injurious
matter not
to be
allowed to
pass into a
sewer.

155.—(1) It shall not be lawful for any person to discharge or permit to flow or pass into any sewer of the Corporation or any drain connecting therewith—

(a) Any waste or live steam condensing water or other liquid of a temperature exceeding one hundred and ten degrees Fahrenheit;

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(b) Any petroleum spirit or carbide of calcium or other deleterious offensive combustible or explosive substance; or A.D. 1926.

(c) Any liquid or solid substance or matter of whatever description which would be injurious to the construction use or efficiency of any of the sewers of the Corporation or which would cause or be likely to cause silting up encrustation or corrosion or decay in the materials thereof.

(2) Every person who is guilty of a contravention of the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(3) In this section the expression " petroleum spirit " means—

(a) Any crude petroleum ;

(b) Any oil made from petroleum coal shale peat or other bituminous substances ; and

(c) Any products of petroleum and mixtures containing petroleum ;

which when tested in manner set forth in the First Schedule to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

156. With respect to any sewer or drain which may be constructed by any person and intended to be connected with the sewerage undertaking the point of junction or connection of such sewer or drain with a sewer of the Corporation and the mode of effecting such junction or connection shall be determined by the Corporation and the Corporation shall have the exclusive right of executing any works on any of the sewers of the Corporation required for making any junction or connection to any such sewer and any expense incurred by the Corporation in so doing shall be repaid by the person on whose behalf or at whose request such junction or connection is made and failing payment shall be recoverable by the Corporation as a debt from the person in default. Junctions or connections to sewers.

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Penalty for
unauthorised
junctions.

157. Every person who without the consent of the Corporation shall make or cause to be made any junction or connection with any sewer of the Corporation shall be liable to a penalty not exceeding ten pounds and the Corporation may remake or cause to be remade such junction to such extent and in such manner as they may consider necessary or expedient and the expense incurred thereby shall be recoverable by the Corporation as a debt from the person in default.

Penalty for
damaging
sewers.

158. Every person who shall break or in any way damage interfere with or obstruct any of the sewers of the Corporation or any of the works or appurtenances of the sewerage undertaking shall be liable to a penalty not exceeding five pounds over and above the expense of repairing the damage done.

Sewer to
be formed
before
building.

159. The Dean of Guild Court shall not grant a warrant for the erection of a building fronting or having an access from any private street until a sufficient sewer has been constructed in such private street by the superior or owner of such private street or until provision has been made to the satisfaction of the Dean of Guild Court for the construction of such sewer or for dealing with the drainage of such building.

Sewer or
drain may
be made to
discharge
below high
water mark.

160. If the Corporation shall consider it necessary that any sewer or drain should discharge itself below high water mark they shall be entitled with the consent of the Board of Trade to construct the requisite works for that purpose under the provisions of this Order.

Power of
entry.

161. In case it shall become necessary to enter examine or lay open any land or premises whether situated within or outside the city for the purpose of making plans surveying measuring taking levels examining works ascertaining the course of sewers or drains making or repairing altering or enlarging sewers or drains or other purposes ancillary to the powers conferred by this Part of this Order and the owner or occupier of such land or premises refuses or withholds access and leave to perform the said operations the Corporation may after written notice to such owner and occupier apply to the sheriff who if no sufficient cause be shown to the contrary shall grant warrant to the Corporation their

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officers and others thereby authorised to enter or do all or any of the works or operations aforesaid at all reasonable times in the daytime. A.D. 1926.
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162. If any building and its pertinents be at any time not drained by a sufficient drain or pipe communicating with some sewer to the satisfaction of the Corporation and if there shall be such means of drainage within one hundred yards of any part of such building the Corporation may require the owner of such building to construct or lay therefrom and maintain a covered drain or pipe of such materials of such size at such level and with such fall as they think necessary for the drainage of such building. If there shall be no such means of drainage within such distance the Corporation may require the owner to construct or lay from such building a drain as aforesaid and lead the same into a covered cesspool or tank or chamber of suitable size and design to be constructed by such owner and suitably placed all to the satisfaction of the Corporation and such drain and cesspool or tank or chamber shall be constructed cleansed and kept in complete repair and working order to the satisfaction of the Corporation so as effectually to prevent any leakage or effluvium therefrom until a sewer is provided within one hundred yards of such building and if any owner fails to commence the construction or repair of such drain and where necessary of such cesspool or tank or chamber within three weeks from the date of such requisition or to complete the same within six weeks of that date or within such longer periods as the Corporation may in their requisition determine the Corporation may themselves construct or repair or complete the construction or repair of such drain and where necessary of such cesspool or tank or chamber. All expenses incurred by the Corporation under this section shall be recoverable from the owner of such building as a debt. No such cesspool tank or chamber shall be constructed within one hundred feet of any dwelling-house or within two hundred feet of any well or spring of water without the consent in writing of the Corporation.

Drainage of buildings.

163. All private sewers and drains as well within as without the premises to which they belong shall be under the survey and control of the Corporation and shall

Sewers and drains to be kept in good

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repair by
owners.

be reconstructed or altered repaired and kept in proper order at the costs and charges of the owners of the premises to which the same belong or for the use of which they are constructed or continued and if the owner of any premises to which any such sewer or drain 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 or drain to be reconstructed altered repaired covered and put in good order and failing payment such expense shall be recoverable by the Corporation as a debt from the owner in default.

Inspection
of drainage
of buildings.

164. Subject to the provisions of the section of this Order the marginal note of which is "Power to enter premises" the burgh engineer or the chief sanitary inspector may inspect the drainage of any building and for that purpose may enter upon any premises with such assistants or workmen as may be necessary and cause the ground to be opened where he thinks fit doing as little damage as may be and if such drainage be found to be in proper order and condition he shall cause the ground to be closed and made good as soon as practicable and any expenses incurred shall in that case be defrayed by the Corporation. If the drainage of any building upon inspection is found to be in disrepair or to be constructed contrary to the requirements and regulations of the Corporation or contrary to the provisions of this Order the Corporation may require the owner of such building to repair or reconstruct such drainage or any part thereof in such manner and to such extent as they may think necessary for the effectual drainage of the building.

Notice to
be given
before
drains
covered up.

165. No private sewer or drain which has been newly laid or constructed and which is connected directly or indirectly with the sewerage undertaking and no existing private sewer or drain which has been opened for repairs or for any purpose whatever and which is connected to any sewer of the Corporation shall be covered up before the same has been inspected and tested by the burgh engineer which inspection and testing shall be made within twenty-four hours after notice has been received by the burgh engineer from the owner or builder of such sewer or drain and any such owner or builder who

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covers up or causes to be covered up any such sewer or drain without giving such notice to the burgh engineer shall be liable to a penalty not exceeding five pounds and the burgh engineer may order such sewer or drain to be uncovered for the purpose of inspection and testing at the expense of the owner or builder by whose instruction the sewer or drain was covered and failing payment such expense shall be recoverable by the Corporation as a debt from the person in default.

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166. It shall be lawful for the owner of any part of a tenement to have water pipes soil pipes and gas or electricity 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 and such soil pipes shall be connected with the nearest suitable drain or sewer. Provided that authority to lay and put up such pipes shall be first obtained from the Corporation and the work connected with the introduction of such pipes and with the maintenance and repair shall be so executed as to occasion the least possible inconvenience to any owner or occupier and that any injury done in the execution of these works shall be forthwith repaired.

Water &c. pipes may be brought up to upper storeys.

167. The occupier of any premises or any other person who shall cause or knowingly or by culpable neglect permit to enter into a watercloset sink cesspool or soil pipe connected therewith any ashes or other matter calculated to obstruct the same shall be liable to a penalty not exceeding forty shillings besides being liable to repair any damage caused by such offence.

Penalty for introducing ashes &c. into water-closets &c.

168. In all buildings waste pipes of water cisterns shall be discharged into sinks baths or open spaces and cisterns for culinary and domestic use shall be placed in such positions and be protected so that the water shall not be contaminated and the Corporation shall have power to make rules regulations or byelaws with reference to inspection of such waste pipes and the periodical cleaning of cisterns and in case of non-compliance with any of such rules regulations or byelaws the person offending shall be liable to a penalty not exceeding forty shillings.

Waste pipes and position of cisterns.

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For protec-
tion of Lon-
don and
North
Eastern
and London
Midland and
Scottish
Railway
Companies.

169. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (hereinafter in this section called for their respective interests "the company") shall notwithstanding the provisions of this Order and unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):—

- (1) The Corporation shall not under the powers of this Part of this Order take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitudes in under over or upon the lands property and works of the company as may be required for making maintaining repairing and duplicating any sewer (hereinafter in this section referred to as "the works") in accordance with the provisions of this Order :
- (2) Before constructing under the provisions of this Part of this Order any works or any subsequent repairs renewals or duplications thereof in over under or affecting any of the railways canals works or property of the company (hereinafter in this section referred to as "the railways") the Corporation shall submit to the company plans sections working drawings and specifications thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-eight days after submission of the said plans sections working drawings and specifications for approval :
- (3) All the works shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and at the sight and to the reasonable satisfaction of the company :

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- (4) The Corporation shall not without the previous consent in writing of the company enter upon alter or interfere with the railways further than may be necessary for constructing and maintaining under or in pursuance of any Act of Parliament relating to the sewerage undertaking or of this Part of this Order any works in upon over or under the railways of which they shall give the company twenty-eight days' notice in writing except in cases of emergency in which cases notice shall be given as early as possible :
- (5) The Corporation shall pay to the company all reasonable costs charges and expenses which the company may incur in connection with the construction maintenance renewal duplication use alteration replacing or repair of any works under or in pursuance of any Act of Parliament relating to the sewerage undertaking or of this Part of this Order including (without prejudice to the said generality) any reasonable expense incurred by the company in connection with the employment of inspectors signalmen watchmen and others and for superintendence of such works and all extra precautions for the safety and working of the company's traffic or protection of their property on account of the construction maintenance renewal duplication use alteration replacing or repair of the said works :
- (6) All the works of the Corporation under or in pursuance of any Act of Parliament relating to the sewerage undertaking or of this Part of this Order including the maintenance renewal duplication alteration replacing or repair of the works shall in so far as the same affect the railways be carried out by the Corporation so as not to alter or interfere with (except so far as may be necessary for carrying out the works) or injure or endanger the structure or stability of the railways and the Corporation shall at their own expense execute all underpinning or other works which may be necessary to secure the support or

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safety of the railways or any part thereof and should any damage or injury to or interference with the passage of traffic on the railways be caused by or be due to the exercise of the powers of the Corporation or the failure of or defect in any of the works the Corporation shall free of all expense to the company execute all such works as may be necessary to repair and make good the damage or prevent such interference as the case may be or the company in their option may on giving the Corporation as long notice as possible in the circumstances enter upon the works or property of the Corporation and execute all such works as may be necessary to repair and make good such damage or prevent such interference and the Corporation shall repay to the company all reasonable costs and expenses incurred by them in connection therewith :

- (7) The Corporation shall make full compensation to the company for all loss or damage caused by their works and operations or interference with the railways and the Corporation shall also free and relieve the company from all damages or compensation which may be recovered from the company by reason of such interference or of any accident so far as such may have been occasioned by the act or default of the Corporation or those for whom they are responsible :
- (8) Should it be necessary in constructing maintaining duplicating altering or repairing the works authorised by any Act of Parliament relating to the sewerage undertaking or by this Part of this Order to alter or remove any telegraph posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the company any works reasonably necessary for such alteration or removal may be executed by the company and the Corporation shall pay to the company all reasonable expenses incurred in connection therewith :
- (9) Nothing in any Act of Parliament relating to the sewerage undertaking or in this Part of this

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Order contained or which may be done in pursuance thereof shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing strengthening widening deviating or enlarging any of the railways Provided that such operations shall not injuriously affect the works or interrupt the flow of sewage therein otherwise than may be reasonably necessary in connection therewith and if any injury or other interruption shall arise to the works the company shall forthwith make good or remove such injury or interruption and in the event of the company failing to do so within a reasonable time the Corporation may enter upon the works or property of the company and execute all such works as may be necessary to repair and make good such damage or prevent such interruptions and the company shall repay to the Corporation all reasonable costs and expenses incurred by them in connection therewith Before commencing any operations under the provisions of this subsection the company shall give twenty-eight days' previous notice in writing to the Corporation and any such operations shall so far as they may interfere with the works be carried out to the reasonable satisfaction of the burgh engineer of the Corporation Any extra expense which the company may incur in carrying out such operations by reason of the existence of the works shall be paid by the Corporation as such extra expense may in the event of any difference of opinion be determined by an arbiter to be appointed as after-mentioned :

- (10) The provisions of this section shall not supersede prejudice or affect any special provision for the protection of the Water of Leith Commissioners or the Corporation in any Act or Order of or relating to the company :
- (11) The powers conferred by the sections of this Part of this Order the marginal notes of which are respectively "Sewers and drains to be kept

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in good repair by owners" "Inspection of drainage of buildings" and "Notice to be given before drains covered up" shall not be exercised in relation to any sewer or drain of the company except at such times as the engineer of the company may reasonably approve and any work or operation affecting any such sewer or drain shall be carried out under the supervision and to the reasonable satisfaction of such engineer:

(12) Any question or difference between the Corporation and the company arising under this section shall be referred to and determined by an arbiter to be appointed failing agreement by the sheriff and the costs of any such reference shall be borne by the Corporation:

(13) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

For protection of dock mission.

170. The provisions contained in the immediately preceding section of this Order shall apply mutatis mutandis to the dock commission and in construing the said section the expression "the company" shall be construed as if the expression "the dock commission" were inserted instead thereof and the expression "the railways" shall be construed as if the expression "the Harbour and Docks of Leith" were inserted instead thereof and this Part of this Order shall be subject to the provisions of section 8 (For protection of corporation of Edinburgh) of the Leith Harbour and Docks Order 1925.

Saving for agreement with late Walter James Little Gilmour.

171. Nothing in this Order shall prejudice or affect the agreement between the late Walter James Little Gilmour and the lord provost magistrates and town council of Edinburgh scheduled to the Edinburgh Extension and Sewerage Act 1885.

For protection of Midlothian county council.

172. The following provisions for the protection of the Midlothian County Council (hereinafter in this section referred to as "the county council") shall notwithstanding the provisions of this Order and unless

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otherwise agreed between the county council and the Corporation apply and have effect (that is to say) :— A.D. 1926.

(1) For the purposes of maintaining repairing or renewing any part of the sewerage undertaking situated in the county of Midlothian (hereinafter in this section referred to as "the county") the Corporation may from time to time use break up or cross over or under alter or stop up temporarily any streets highways roads or bridges sewers drains gas pipes or water pipes under the jurisdiction of the county council providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road or bridge or the flow of water gas or sewage in any such sewer drain or pipe and making full compensation to all persons injuriously affected thereby :

(2) Before commencing any operations for the purposes aforesaid the Corporation shall give seven days' intimation in writing to the county clerk of their intention to break up or interfere with any street highway road or bridge within the county and the Corporation shall execute such operations and restore all such streets highways roads or bridges as may be interfered with at the sight and to the reasonable satisfaction of the county road surveyor and the Corporation shall be bound to relay the portions of the roadway or causeway of such streets highways roads or bridges which may have been broken or taken up or interfered with with the same kind and description of causeway or other materials as were previously on such streets highways roads or bridges or otherwise as may be agreed between the Corporation and the county council and the Corporation shall maintain such portions of such streets highways roads or bridges for three months from the date of completion and such further time not being more than fifteen months in the whole as the soil so broken up shall continue to subside all to the reasonable satisfaction of the county council or the county road surveyor

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and the Corporation shall make payment of any expenses reasonably and properly incurred by the county council in relation to the matters herein mentioned and further the Corporation shall free and relieve the county council of all injury loss or damage which may be occasioned to any of the streets highways roads or bridges so interfered with or be sustained by any person by or in consequence of the operations aforesaid:

- (3) In the event of the Corporation with the consent of the county council lowering the level of any road under the jurisdiction of the county council for the purpose of laying sewers they shall also lower any mains or pipes belonging to the county council and laid in such road so as to leave a covering of not less than twenty-four inches from the surface of the road over such mains or pipes:
- (4) If any difference shall arise under this section between the Corporation and the county council the same shall be determined by an arbiter to be mutually chosen or failing agreement by an arbiter to be named by the sheriff on the application of either party and the decision of such arbiter shall be final.

PART VI.

WATERCOURSES STREAMS &C.

Power to
require
covering in
of water-
courses and
ditches.

173.—(1) If any watercourse or ditch situated upon land 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 of the land 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 watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water through the same.

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(2) Any person who fails to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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(3) Nothing in this section shall authorise the Corporation to require the execution of works upon the land of any person other than the owner of the land laid out for building without the consent of that person or prejudicially to affect the rights of any person not being the owner of the land so laid out.

(4) Nothing in this section shall apply to the dam or mill lade leading to Gorgie Mills.

174.—(1) It shall not be lawful 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 such approval not to be unreasonably withheld.

Streams not to be culverted or covered over except in accordance with plans.

(2) No requirement of the Corporation in relation to plans and sections submitted under this section shall 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 the Corporation shall require the 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.

(4) If any difference shall arise between the Corporation and an owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference may be determined by the sheriff summarily on the application of either party.

(5) Any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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—
Repair and
cleansing
of culverts.

175. The owner or occupier of any pipe drain or culvert referred to in the two immediately preceding sections of this Order shall from time to time repair maintain and cleanse the same and if any such owner or occupier fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse the same 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 as certified by the burgh engineer shall be recoverable by the Corporation as a debt from the owner or occupier in default.

Water-
course
choked up
to be a
nuisance
under Pub-
lic Health
Acts.

176. Any part of a stream watercourse or ditch which is so choked or silted up as 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 or ditch on to adjacent land or property or 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 and the provisions of those Acts relating to nuisances shall apply to every such stream watercourse or ditch notwithstanding that the same may not be injurious to health:

Provided that 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.

Throwing
rubbish into
streams.

177. Every person who shall lay or throw or cause or procure to be laid or thrown any rubbish soil filth or refuse or any other matter whether offensive or not into the channel or on the banks or on the sides of any river stream or watercourse flowing through or on the boundary of the city shall be liable to a penalty not exceeding forty shillings.

Mill lades
&c. to be
protected.

178.—(1) The Corporation shall be entitled by notice under the hand of the burgh engineer to call upon the owner of any mill lade or dam which they may consider to be offensive or dangerous to fence the same sufficiently to the satisfaction of the Corporation or to put any existing fence enclosing the same into a proper state of repair and that within a reasonable period to be specified in the notice and in the event of the notice

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not being complied with within the said period the Corporation shall be entitled at the expense of the owner of such mill lade or dam to carry out such works as they may deem necessary for sufficiently fencing such mill lade or dam or repairing any existing fence and the costs or expenses so incurred shall be recoverable by the Corporation from such owner as a debt.

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(2) The Corporation may acquire by agreement any such mill lade or dam and divert cover over fence protect or otherwise deal with the same as they may deem proper and the Corporation may also acquire by agreement any mill or any part of any mill to which any such mill lade conveys any motive power.

179. Nothing contained in the sections of this Part of this Order the marginal notes of which are respectively "Power to require covering in of watercourses 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 culvert or covering constructed or to be constructed by a railway company under any statutory power.

For protection of railway companies.

PART VII.

WATER OF LEITH.

180. Subject to the provisions of this Order the existing works lands and properties and all rights powers and privileges of every description of or pertaining to the Water of Leith 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 and the Corporation shall have and continue to have power to maintain the works in the bed and channel and on the banks of the Water of Leith executed under the authority of the Edinburgh Police Amendment Act 1854 the Water of Leith Acts or under any other statutory authority and to make such repairs or improvements on these works as they may from time to time deem necessary.

Properties and rights to continue vested in Corporation.

181. The provisions of this Order shall not prejudice or affect the provisions of the Act of 1889 as amended by the Order of 1908 in regard to compensation water

Compensation water and discharges

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—
from mills
and works.

and discharges from mills and works and section 33 of the Act of 1889 and sections 26 to 30 inclusive and subsections (2) (3) and (4) of section 51 of the Order of 1908 which sections and subsections are set forth in the Second Schedule to this Order shall continue in operation the Corporation being substituted for the Commissioners and the water trustees therein referred to.

Preserva-
tion of
flow and
amenity of
river.

182.—(1) For the purposes of preserving and maintaining the flow of the water in the bed or channel of the river and for the purposes also of preserving and maintaining the amenity of the river the Corporation shall be entitled to prevent and prohibit the erection or placing of any obstruction or work of any kind on the river which would interfere with or hinder the flow of water in the bed of the river or any part thereof or would diminish the flow therein or would abstract or divert water therefrom and every person who without the consent of the Corporation makes or places any such erection obstruction or work shall be liable to a penalty not exceeding ten pounds besides being bound to pay to the Corporation the expense of removing such erection obstruction or work and failing payment such expense shall be recoverable by the Corporation as a debt from the person in default.

(2) The Corporation may remove any existing obstructions or works which are no longer required or which have been allowed to fall into a state of disrepair or become ruinous or derelict.

In the event of any dispute arising as to whether the said works have fallen into a state of disrepair or have become ruinous or derelict the dispute may be settled summarily by the sheriff.

Cleaning
river bed or
channel.

183.—(1) The Corporation shall be entitled to clean the bed or channel of the river for the purposes of preserving and maintaining the free flow of water and keeping the bed or channel of the river within the city clear of accumulations of silt refuse or other obstructions.

(2) The powers conferred by this section or the exercise thereof shall not relieve any other authority or person from any liability attaching to such authority or person in reference to the matters hereinbefore in this section referred to Provided that in exercising

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the powers conferred by this section the Corporation shall not enter upon take or acquire or interfere with any land or other property or work belonging to a railway company otherwise than with the consent of such company.

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(3) Before commencing any of the operations from time to time under the powers of this section which may affect or be likely to affect any railway or canal undertaking or relative works or any bridges retaining walls and piers or the abutments or foundations of any of such works or any lands or property belonging to or leased worked used or maintained by a railway company the Corporation shall give fourteen days' notice in writing to the railway company concerned of their intention to commence such operations and such operations shall be carried out under the superintendence and to the reasonable satisfaction of such railway company.

(4) The Corporation shall be liable to any such railway company for all damage or loss which may be occasioned to their railway or canal undertaking or relative works or to any bridges retaining walls and piers or the abutments or foundations of any of such works or to any lands or property belonging to or leased worked used or maintained by the railway company or for any damage detention or loss of traffic sustained by them by reason of interruption to or interference with their traffic in consequence of the said operations of the Corporation.

(5) If any difference shall at any time arise between the Corporation and any such railway company with respect to any matter arising under this section such difference shall be determined by an arbiter to be agreed upon between the Corporation and the railway company or failing agreement an arbiter to be nominated by the Ministry of Transport on the application of either party.

184. It shall not be lawful for any person to make or construct any sewer or drain from any lands or buildings so as to lead or discharge into the river or mill leads or into any surface water drain discharging into the river or mill leads nor to convey or discharge drainage sewage or other polluting matter or refuse from any lands or buildings into the same but all such sewers or drains within

Sewers and drains not to discharge into river &c.

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A.D. 1926. — the drainage area of the river whether within or beyond the city shall subject to the provisions of this Order be connected with a sewer of the Corporation and all such drainage sewage or other polluting matter or refuse shall subject as aforesaid be conveyed or discharged into a sewer of the Corporation by means of properly constructed sewers or drains and if any person does any act or thing in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that the Corporation may during the time any of their sewers are being repaired cleansed altered or renewed or during floods or in consequence of any accident or any stoppage discharge or allow to be discharged into the channel of the river or mill leads the sewage and drainage of such sewers.

Interference with river in connection with sewers.

185. Subject to the provisions of this Order the Corporation in the construction of any sewer may cross over or under or otherwise interfere with the river and mill leads and may at any time but only after one day's notice in two newspapers published in the city take divert use and appropriate from the river and mill leads by means of the sewers vested in them or works connected therewith any water requisite or desirable for flushing and cleansing such sewers.

Liquids &c. which may be put into sewers or otherwise dealt with.

186. The Corporation may in their discretion and as and when occasion requires determine the several following matters:—

(a) The noxious deleterious polluted or discolouring liquids matters or things flowing or proceeding from mills and other works or any of them which shall be allowed to pass direct into any sewer of the Corporation without treatment or which shall be excluded until subjected to treatment as hereinafter mentioned:

(b) The water flowing or proceeding from mills and other works or any of them which may without injury be allowed to flow directly into the river and the proportion (if any) of water flowing or proceeding from mills and other works or any of them which may have become turbid by the presence therein of any extraneous

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matter not poisonous noxious or deleterious which may be rendered harmless by being passed through settling ponds or as the case may require through filtering beds or other apparatus before being discharged into the river:

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- (c) The dimension and capacity of any pipe by which such liquid matters or things may be discharged from mills and other works into any sewer of the Corporation and the quantity temperature and condition of such liquid matters or things which shall be allowed at any time and from time to time to flow into any such sewer.

187. The Corporation before sanctioning or permitting the discharge into any of the sewers of the Corporation of any poisonous noxious offensive polluting or discolouring liquid matter or thing may direct and require the owner or owners lessees and occupiers or any of them of the mills and other works or any of them from which such liquid matter or thing may be discharged or proposed to be discharged to effectually remove from such liquid matter or thing so discharged or proposed to be discharged from the mills and other works or any of them all deleterious or other matter which in the opinion of the Corporation may be calculated to destroy or injure or obstruct the said sewers or any of them. Provided that the Corporation may determine which (if any) of the constituents of such liquids matters or things hereinbefore mentioned and what (if any) proportion thereof respectively shall be excluded from the sewers of the Corporation.

Corporation may require removal of deleterious matter before allowing sewers to be used.

188. Before sanctioning or permitting the discharge into the river of any turbid water flowing or proceeding from the mills and other works or any of them charged with extraneous matter which is not poisonous noxious or deleterious but which may be removed mechanically or otherwise the Corporation may require the owner or owners lessees and occupiers or any of them of the mills and other works or any of them from which such turbid water may be discharged or proposed to be discharged to effectually remove from such turbid water so to be

As to turbid water.

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A.D. 1926. discharged or proposed to be discharged into the river from the mills and other works or any of them the organic or other matter causing the turbidity of such water.

Arbitration. 189. In the event of any dispute or difference arising between the Corporation and any person as to any order direction determination or requisition of the Corporation under the three immediately preceding sections of this Order including any order or direction under the said sections as to the efficiency of the means adopted from time to time for effectually removing all deleterious or other matter as mentioned therein such dispute or difference shall be decided between the parties differing by an arbiter to be agreed on or failing agreement by an arbiter to be named by the sheriff and the decision of such arbiter shall be final.

Construction of tanks. 190. The Corporation shall so far as not already done construct all necessary tanks for regulating and gauging the discharges of the mills and works which were in existence at the passing of the Act of 1889 into the sewers of the Corporation and also all necessary tanks for washing the skins of the skinneries which were in existence at the passing of the Act of 1889 on the river and mill leads (including the necessary connections for bringing the water into the washing tanks of such skinneries) and also all settling ponds depositing tanks filtering beds or other apparatus or works which the Corporation may require under the provisions of the section of this Order the marginal note of which is "Liquids &c. which may be put into sewers or otherwise dealt with" and shall make the necessary junctions with such sewers and thereafter the owners lessees and occupiers of the said skinneries shall as between themselves and the Corporation be entitled to draw from the river or mill leads such water as they require for use in the said tanks. Provided that the Corporation shall be bound to provide the necessary land for these purposes and the owners lessees and occupiers of such mills and works and skinneries shall be bound to remove from time to time from such tanks to the satisfaction of the Corporation or of their engineer all solid matter which may be deposited therein.

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191. All works necessary or desirable for connecting the sewers drains or pipes of or leading from mills and other works or of or leading from any settling pond depositing tank filtering bed or other apparatus or work with any sewer of the Corporation shall together with all other works under the provisions of this Order required to be constructed by the owners lessees and occupiers of mills and other works or any of them be constructed and maintained in good and sufficient order in each case under the supervision and to the satisfaction in all things of the burgh engineer.

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 —
 Connections with sewers to be approved in all cases by engineer of Corporation.

192. It shall not be lawful for any person to throw or put or permit to be thrown or put or to permit to fall or be carried into the river or lay down at or near the banks of the river or in any other place where liable to be washed into the river or into the mill leads or into any cut ditch sewer drain pipe channel stream or water-course communicating with the river any rubbish soil filth or refuse any deposit from tanks or settling ponds the solid refuse of any manufactory manufacturing process or quarry or other offensive or injurious matter and if any person does any act or thing in contravention of this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Prohibition of solid matter &c. being cast into river.

193. It shall not be lawful for the owner or occupier of any mills and other works to do any of the following things namely :—

Prohibition against pollution from mills and works

(a) To construct or to open into the river any sewer drain pipe or channel with intent or in order thereby to provide for the flow or passage into the river of any poisonous noxious polluting or discolouring matter or any sewage or other offensive or injurious matter :

(b) To construct or to open into any mill lead cut ditch sewer drain pipe channel stream or water-course communicating with the river any sewer drain pipe or channel with intent or in order thereby to provide for the flow or passage of any such poisonous noxious polluting or discolouring matter or sewage or other offensive or injurious matter as aforesaid in such manner

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that the same will be carried or be likely to be carried by through or out of such mill lead cut ditch sewer drain pipe channel stream or watercourse into the river :

- (c) To cause or suffer any poisonous noxious polluting or discolouring matter or any sewage or other offensive or injurious matter to flow or pass into the river or into the mill leads or into any sewer drain pipe channel stream cut ditch or watercourse whatever in such a manner that the same will be carried or be likely to be carried by through or out of such mill lead sewer drain pipe channel stream cut ditch or watercourse directly or indirectly into the river :
- (d) To wash steep or submerge skins hides leather bark or any other substance or material in the river or otherwise so as to pollute discolour or render impure the water of the river.

If any person does any act or thing in contravention of any of the provisions of this section he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding ten pounds.

Assessment
on mills
and works.

194. The provisions of this Order shall not prejudice or affect the provisions of the Act of 1889 as amended by the Act of 1920 in regard to assessments on mills and works and sections 81 and 82 of the Act of 1889 and section 127 of the Act of 1920 shall so far as in force at the commencement of this Order continue in operation the Corporation being substituted for the landward local authorities and the Commissioners referred to therein.

Power to
make
byelaws.

195. The Corporation may from time to time make any byelaws rules and regulations which they deem necessary and expedient for the due execution of this Part of this Order and for enforcing the provisions thereof.

Prosecution
of offences.

196. All offenders against any of the provisions of this Part of this Order or against any of the byelaws made by the Corporation under the provisions of this Part of this Order may be prosecuted summarily and all penalties and forfeitures in respect of offences against any of such

provisions or byelaws may be recovered by and in the name of the town clerk for the time being before the sheriff or any court of competent jurisdiction in the manner provided by the Summary Jurisdiction (Scotland) Acts together with the expenses of prosecution and conviction and all damages and expense occasioned to the Corporation by the offence complained of.

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197. The Corporation and their officers and servants may and they are hereby authorised at all times and on all occasions they may deem necessary to enter upon the river and river banks and mill leads and mills and other works or any part of the same for the purpose of inspection and also for the purpose of altering or repairing and maintaining the sewerage undertaking or any part of the same and for making and effecting junctions and for flushing any of the sewers of the Corporation or for ascertaining and enforcing the due compliance with the provisions of this Order Provided that the flow of water in the mill leads shall not at any time be interrupted by the Corporation or their officers or servants without giving one day's previous notice in two newspapers published in the city.

Powers of
entry for
inspection
&c.

PART VIII.

SKY-SIGNS AND ADVERTISEMENTS.

198.—(1) It shall not be lawful to erect or fix to or upon or in connection with any building any sky-sign or to maintain retain or continue any sky-sign so erected or fixed except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years as may be specified in the licence and under and subject to such terms and conditions to be therein prescribed as the Corporation may deem proper Provided that in any of the following cases a licence of the Corporation under this section shall become void (that is to say) :—

Sky-signs.

- (i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the burgh engineer;
- (ii) If any change be made in the sky-sign or any part thereof;

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- (iii) If the sky-sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the building on over or to which any sky-sign is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof;
- (v) If the building over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed.

(2) If any sky-sign be erected or maintained contrary to the provisions of this section or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void the Corporation may order the owner of the sky-sign to take down and remove it within a specified time and in the event of his failing to do so the burgh engineer shall report such failure to the prosecutor in the police court and the judge of police may on the application of the prosecutor grant warrant to and authorise the burgh engineer to remove such sky-sign and the expense of the removal and of the proceedings with reference thereto shall be paid by the owner of the sky-sign and may be recovered in any competent court.

(3) Any person acting in contravention of any of the provisions of this section or of the terms and conditions of any licence under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The expression "sky-sign" shall in this Part of this Order mean any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any building which or any part of which sky-sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support but shall not include any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station

yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place or relating exclusively to the exercise by the dock commission of their powers practices or usages for regulating or controlling transport and navigation at the Port of Leith (as defined in the Leith Harbour and Docks Acts 1875 to 1925).

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The expression "sky-sign" shall also include any balloon parachute or other similar device employed wholly or in part for the purpose of any advertisement or announcement on over or above any building or on or over any street or public way but the expression "sky-sign" shall not include any board containing a notice of land or buildings to be sold let or feued placed upon such land or buildings.

199. For the purpose of protecting the amenity of the city and of enabling the Corporation to exercise control over any sites or hoardings to be used for the purposes of advertisements the following provisions shall have effect :—

Sites for advertisements.

- (1) It shall not be lawful to erect exhibit fix maintain retain or continue any advertisement whether existing at the commencement of this Order or not upon any land building or hoarding except on such sites buildings or hoardings as the Corporation may in writing licence and such licence may be granted for such period not exceeding three years and under and subject to such terms and conditions to be therein prescribed as the Corporation may deem proper :
- (2) A licence shall not be necessary for any advertisement or site for advertisements (not being illuminated advertisements) of the classes following (that is to say) :—
 - (i) Advertisements exhibited within the window of any building ;
 - (ii) Advertisements relating to the trade or business carried on within the land or building upon which the same are placed (and not being sky-signs) or to any sale feu or let of such land or building or any effects therein

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or to any sale entertainment or meeting held in or upon the same;

(iii) Advertisements relating to the business of any railway company or of the dock commission;

(iv) Advertisements exhibited within any railway station or upon any wall or other property of a railway company or of the dock commission except any portion of the surface of such wall or property fronting any public street:

- (3) If any advertisement be erected retained or continued contrary to the provisions of this section or after the licence for the erection maintenance or retention thereof on a licensed site for any period shall have expired or become void the Corporation may require the owner or occupier of the land or building upon which the same is placed or rests to take down or remove such advertisement within a specified time and in the event of his failing to do so the burgh engineer shall report such failure to the prosecutor in the police court and the judge of police may on the application of the prosecutor grant warrant to and authorise the burgh engineer to take down and remove such advertisement at the expense of such owner or occupier and the expense of the removal and of the proceedings with reference thereto shall be paid by such owner or occupier and may be recovered in any competent court:
- (4) Any person acting in contravention of any of the provisions of this section or of the terms and conditions of any licence under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:
- (5) The expression "advertisement" shall in this Part of this Order mean any word letter model sign placard board notice device or representation whether illuminated or not in the nature of or employed wholly or in part for the purpose

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of advertisement announcement or direction on A.D. 1926.
over or resting upon any land building street or —
public way.

200.—(1) In any of the following streets within the Advertising
city (that is to say) Princes Street Leith Street North vehicles.
Bridge North Bridge Street South Bridge Waverley
Bridge Lothian Road and Earl Grey Street it shall not
be lawful for any person to use or cause to be used any
vehicle or moveable board or structure whatever be its
form or construction for the purpose exclusively or
principally of displaying advertisements or to carry or
cause to be carried by any person for advertising purposes
any board placard picture print or notice.

(2) Subject to the provisions of subsection (1) of
this section it shall not be lawful for any person to use
or cause to be used in any street within the city any
vehicle or moveable board or structure whatever be its
form or construction for the purpose exclusively or
principally of displaying advertisements (other than a
board or placard carried by one man) unless such person
shall have previously obtained a licence from the Cor-
poration empowering him so to do and such licence may
be granted for such period not exceeding three years and
under and subject to such terms and conditions to be
prescribed therein as the Corporation may deem proper.

(3) Any person acting in contravention of any of
the provisions of this section or of the terms and con-
ditions of any licence under this section shall be liable
to a penalty not exceeding five pounds and to a daily
penalty not exceeding twenty shillings.

201. If the Corporation shall refuse to grant a licence Appeal
under the provisions of the sections of this Order the against
marginal notes of which are "Sites for advertisements" refusal of
and "Advertising vehicles" they shall state their reasons licence.
for such refusal and any person aggrieved by the refusal
to grant any such licence or by the terms and conditions
attached to such licence may appeal to the sheriff by
lodging with the sheriff clerk of the county of Mid-
lothian a note of appeal within fourteen days after
intimation of the resolution of the Corporation to refuse
the licence which note of appeal shall state the grounds
of such appeal and be signed by the appellant or his

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Hoarding or other structures used for advertising purposes.

202.—(1) Every person who proposes to erect add to or alter any hoarding or similar structure to be used wholly or partly for advertising purposes upon any lands or heritages in abutting on or adjoining any street shall make written application to the Dean of Guild Court for warrant so to do and the provisions of the section of this Order the marginal note of which is "Minor alterations" shall apply to such applications.

(2) Every owner or person using any hoarding or similar structure for advertising purposes whether erected before or after the commencement of this Order shall keep and maintain the same at all times in a good and sufficient state of repair and in a safe condition to the satisfaction of the master of works and it shall be lawful for the Dean of Guild Court at any time on the application of the procurator fiscal of the court to pronounce such order upon the owner or other person using such hoarding or structure as may be necessary in their opinion to render the same secure or if they shall so direct to remove such hoarding or structure and in the event of such order not being implemented to their satisfaction within the period to be specified in such order the said court may authorise the master of works to take such steps as they may direct for such purpose or in case of urgency to remove the said hoarding or structure at the expense of the owner or other person using the same.

(3) Any person contravening or failing to comply with any of the provisions of this section or of any order or requirement issued in terms thereof by the Dean of Guild Court shall for each such offence be liable to a

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penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings which penalty and further penalty shall be without prejudice to the enforcement of compliance with the provisions of this section or of any such order or requirement in any manner or way which would be competent by law if no such penalty was provided for Any such penalty may be sued for and recovered at the instance of the procurator fiscal of the Dean of Guild Court before the said court.

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203. The Corporation may delegate to any of their standing committees all or any of their powers and duties under this Part of this Order :

Delegation
to com-
mittee.

Provided that any person aggrieved by the refusal by a standing committee of a licence under the provisions of the section of this Order the marginal note of which is "Sites for advertisements" may (without prejudice to his rights under this Part of this Order to appeal to the sheriff) within fourteen days of notice being given to him of such refusal intimate his dissatisfaction to the town clerk and thereupon the resolution of the committee containing such refusal shall be submitted to review by the Corporation who shall if desired give such person an opportunity to be heard.

PART IX.

MISCELLANEOUS.

204. The Corporation shall for the purposes of this Order have power by themselves or 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 without being liable to any legal proceedings on account thereof Provided that except where otherwise provided such entry shall not be made unless with the consent of the occupier until after the expiration of forty-eight hours' notice for that purpose given to the occupier.

Power to
enter
premises.

205. Every person who shall at any time obstruct the Corporation or any of their officials or who shall resist

Penalty on
persons
obstructing

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—
Corporation
or their
workmen.

obstruct or molest any workman or other person employed in the execution of any duty or the performance of any work by virtue of this Order or of any warrant of a competent court or of any byelaw regulation or order of the Corporation or shall aid or incite any persons so to do shall for every such offence be liable to a penalty not exceeding five pounds without prejudice to any such workman or other person on whom any assault or offence may have been committed to sue in any competent court for compensation damages or expenses for any injury or loss he may thereby have sustained.

In default
of owners
&c. Cor-
poration
may execute
works.

206. Whenever under this Order any work of any kind falls 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 works have been ordered by the Corporation or by the judge of police 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 and the expense incurred in respect thereof shall be repaid by such owner or occupier with interest thereon at the rate of five per centum per annum from the time when the expense was incurred and such expense with any interest which may have accrued thereon shall be recoverable by the Corporation as a debt from the person in default. Provided that if more than one owner or occupier shall be liable therefor the amount shall be apportioned among them rateably according to the yearly rent or yearly value of their respective properties as entered in the valuation roll.

Provisions
in regard
to byelaws.

207.—(1) Byelaws made by the Corporation under the provisions of this Order shall not take effect unless and until they have been submitted to and confirmed by the Scottish Board of Health who shall allow modify or disallow the same as they may think proper nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more newspapers circulating within the city one month at least before the making of such application; and

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Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the town clerk and has been open during office hours thereat to inspection without charge.

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Any person aggrieved by any proposed byelaw or by any proposed alteration of a byelaw may within such last mentioned month forward notice of his objection to the Scottish Board of Health who shall consider the same before granting confirmation. The town clerk shall on application furnish any ratepayer with a copy of such proposed byelaws or any part thereof. A byelaw when confirmed by the Scottish Board of Health shall not require confirmation allowance or approval by any other authority.

(2) The Corporation may by any byelaws made by them under this Order impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of forty shillings for each offence.

(3) All byelaws made by the Corporation under and for the purposes of this Order shall be signed by two members of the Corporation and the town clerk. All such byelaws shall be printed and the town clerk shall on application furnish any ratepayer with a copy of the same or any part thereof.

(4) A copy of any byelaws made under this Order by the Corporation signed and certified by the town clerk to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

208. Nothing in this Order shall affect any right of relief which any owner of lands or heritages may possess under his titles or otherwise.

Saving rights of relief.

209. Every provision of this Order to the contravention of which no penalty is attached shall be read and construed as if it were thereby provided that every person contravening the same shall be liable to a penalty not exceeding forty shillings.

Penalty where no penalty is otherwise stated.

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—
Form and
service of
notice.

210. Unless otherwise herein expressly provided 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:—

- (1) It may be in print or writing or partly print and partly writing and 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 either personally or 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 in case of an occupier to an inmate of the building to which the document relates or if the building is unoccupied and the place of abode of the person after due inquiry cannot be found by affixing the same or a copy thereof upon some conspicuous part of such building or in the case of a person employed on any ship or vessel by leaving it in the hands of a person on board thereof and connected therewith and where any owner resides beyond the city such owner may be cited by delivering the citation to his known factor agent or person drawing the rents or if there be no factor agent or person drawing the rents the occupier of the premises or any of them may be cited and shall take burden for the owners and have right of relief against them. Provided that it shall be lawful for the person sending such notice to cancel it or to give a new notice to the same or to any other person in respect of the matter or for the enforcement of the obligation referred to in it but nothing herein contained shall authorise the withdrawing or cancelling of a notice given under the Lands Clauses Acts unless and except in so far as allowed by such Acts.

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211. Except with regard to prosecutions and proceedings in the Dean of Guild Court all prosecutions and proceedings under this Order may unless where otherwise provided proceed and be conducted in the police court under and in conformity with the provisions of the Edinburgh Municipal and Police Acts and the Summary Jurisdiction (Scotland) Acts and shall be at the instance of the prosecutor before the judge of police.

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Prosecu-
tions in
police
court.

212. Except with regard to penalties which may be recovered by the procurator fiscal before the Dean of Guild Court and unless where otherwise provided all penalties in respect of offences against this Order may be recovered by the prosecutor before the judge of police and shall be paid to the Corporation and carried to the credit of the appropriate account Provided that costs and expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered as a debt.

Recovery
and appli-
cation of
penalties.

213. The Corporation may from time to time borrow and re-borrow such sums of money as may be necessary for the purposes of this Order or any of them to which capital is properly applicable and the provisions of the Edinburgh Municipal and Police Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund shall apply to the money to be borrowed under the provisions of this section.

Borrowing
powers.

214. The assessments appropriate to any of the purposes of this Order authorised by the Edinburgh Municipal and Police Acts shall extend and apply to the money which the Corporation are by this Order authorised to borrow and to any expenditure incurred by the Corporation for the purposes of this Order or any of them.

Application
of assess-
ments.

215.—(1) All statutory borrowing powers under the Water of Leith Acts shall notwithstanding the repeal by this Order of any Act or Order under which such borrowing powers were conferred 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.

Borrowing
for purposes
of Water
of Leith Un-
dertaking.

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(2) The said borrowing powers so far as the same shall be exercised by the Corporation after the commencement of this Order shall have effect as if they were statutory borrowing powers granted by this Order.

(3) The Corporation may from time to time borrow and re-borrow such sums of money as may be necessary for the purposes of the Water of Leith Undertaking not exceeding the amount of the aforesaid borrowing powers unexhausted at the commencement of this Order.

Repayment
of debt of
Water of
Leith Un-
dertaking.

216. The provisions of section 24 (Repayment of debt and sinking funds) of the Order of 1921 in so far as the same relate to the Water of Leith Undertaking shall continue to be in force as fully and effectually as if the Act confirming this Order had not been passed.

Works
below high
water mark
not to be
constructed
without
consent of
Board of
Trade.

217. The Corporation shall not under the powers of this Order construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Crown
rights

218. 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 lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His 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 His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. A.D. 1926.

219. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Corporation out of moneys borrowed or assessments imposed by the Corporation under the powers of this Order and if paid out of borrowed money shall be repaid within five years from the commencement of this Order. Expenses of Order.

PART X.

REPEAL OF ACTS AND SAVINGS.

220. Subject to the provisions of this Order the provisions of the Acts and Orders specified in the Third Schedule to this Order (in this Order referred to as "the repealed Acts") are hereby repealed to the extent indicated in the third column of that schedule. Repeal of Acts &c.

221.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the Acts and Orders effected by this Order :— Saving from effect of repeal.

(a) All property vested in the Corporation at the commencement of this Order for the purpose of any department of the Corporation to which the provisions of this Order apply shall continue vested in the Corporation 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 to treat agreements awards conveyances contracts titles covenants deeds

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instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed :

- (b) All existing annuities bonds mortgages or other securities made granted payable or created by the Corporation or the Water of Leith Commissioners under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed :
- (c) All actions arbitrations submissions prosecutions and proceedings by with or against the Corporation or the Water of Leith Commissioners by reason of any matter or thing done before the commencement of this Order in the execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by or against the Corporation as if the Act confirming this Order had not been passed :
- (d) All existing byelaws rules regulations orders and licences in execution of or in relation to any of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order :
- (e) All sums of money at the commencement of this Order due to the Corporation under or in respect of any of the provisions of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed :
- (f) All books registers deeds documents and writings which under any of the repealed Acts 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 :

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(g) All plans sections and books of reference and all corrections and certificates of corrections thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed. A.D. 1926.
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(2) The mention of particular matters in this Part of this Order shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

222.—(1) Nothing in this Order shall prejudice or affect the dock commission or be held to take away repeal extinguish or diminish any powers privileges immunities authorities or exemptions conferred on the dock commission by or enjoyed by them under any Acts or Orders or any byelaws rules regulations or orders made thereunder relating to the Port of Leith (as defined in the Leith Harbour and Docks Acts 1875 to 1925) or the burgh of Leith (as defined in the Act of 1920) or under any public general or local municipal police or other Acts or byelaws whatsoever. Saving for Leith Dock Commission.

(2) The jurisdiction of the Dean of Guild Court shall not extend to any buildings or works constructed or to be constructed by the dock commission or their predecessors in title under any statutory power other than buildings used for the purposes of human habitation so far as they are so used.

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A.D. 1926. The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Building rules.")

BUILDING RULES.

Preparation
of site.

1. The site of the intended building shall be dug out to such depth as shall be necessary in the opinion of the Dean of Guild Court for the removal therefrom of vegetable soil or refuse and it shall not be lawful for any person to build upon any site until such soil or refuse is so removed and a proper foundation obtained to the satisfaction of the Dean of Guild Court.

All drains and agricultural pipes underlying the proposed site shall be removed or diverted from the site of every new building as may be required by the Dean of Guild Court.

Foundations
in forced
earth.

2. Where on the site of a building there is forced earth or made-up ground the walls of such building shall rest upon a foundation of concrete or other material of sufficient dimensions and quality to support the same or shall be supported in such other manner as may be approved of by the Dean of Guild Court.

Damp-proof
courses.

3. Every wall dwarf wall and partition wall of a building shall have a damp-proof course of durable material throughout its entire length and breadth and all damp-proof courses shall be of such material quality and thickness as shall be approved of by the Dean of Guild Court and laid at a level of not less than six inches above the level of the adjoining ground.

The whole area under dwelling-houses or other buildings shall be overlaid with a layer of asphalt on a suitable bottoming of hard material or with a layer of cement-concrete or other suitable material to the satisfaction of the Dean of Guild Court.

Ground
floor.

4. Unless otherwise determined by the Dean of Guild Court the ground floor level of all dwelling-houses shall not be less than nine inches above the level of the adjoining ground.

Mortar.

5. The mortar to be used in the construction of new or altered buildings may be composed of lime or cement and shall be composed of cement if the Dean of Guild Court so require.

Where lime mortar is used the same shall be composed of fresh burnt lime and clean sharp pit sand grit or ground bricks

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or freestone shivers without earthy matter and in such proportion as to make good mortar to the satisfaction of the master of works. A.D. 1926.

Where cement mortar is used the same shall be composed of cement of approved standard quality and clean sharp pit sand grit or ground bricks or freestone shivers without earthy matter and in such proportion as to make good mortar to the satisfaction of the master of works.

6. All walls external and internal floors and roofs and all concrete timber stone brick and iron work forming part of the structure of a building shall be of sufficient quality strength condition and stability to the satisfaction of the Dean of Guild Court. Structural stability.

7. Every wall shall be sufficiently bonded and all return walls cross walls and partition walls shall be properly bonded to the walls adjoining all to the satisfaction of the Dean of Guild Court. The top of every wall where exposed shall be securely coped or otherwise protected so as to prevent the access of damp or water to the wall. Walls to be bonded.

8. All external walls mutual walls passage walls and partition walls dividing separate houses staircases stairs and landings (with the exception of staircases stairs and landings in self-contained houses) shall be constructed with incombustible materials and shall be of such thickness quality design and construction as shall be approved of by the Dean of Guild Court. Materials in walls.

9. The mutual gables in tenements exceeding two storeys in height shall unless where otherwise sanctioned by the Dean of Guild Court be carried through and above the roof to form a skew or parapet. In the case of a continuous row of self-contained houses or tenements of less than three storeys in height exceeding four in number every fourth gable shall be carried up in a similar manner. Skews or parapets on gables and mutual walls.

All the other mutual walls or gables shall be carried up of a suitable thickness to the underside of the roof covering to the satisfaction of the Dean of Guild Court.

The skew or parapet shall be finished on top with a cope at a height of not less than nine inches measured at right angles with the slope of the roof above the covering of the roof of the highest building to which such gable or mutual wall belongs.

10. All walls shall be so constructed as to prevent damp penetrating to the interior of the building. Prevention of damp.

11. The joists at all fireplaces shall be properly bridled and every fireplace or chimney opening shall have a sufficient hearth or horizontal slab of durable and incombustible material not less than three inches thick at the level of the floor extending Hearths and fireplaces.

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A.D. 1926. — throughout the length and depth of such opening and to a distance of eighteen inches beyond the face of the chimney breast and not less than six inches beyond each side of the opening all adequately supported to the satisfaction of the Dean of Guild Court. The boarding or centring on which any concrete or arch has been constructed shall be removed. The back of every chimney opening which is not back to back with another chimney opening shall not be less than nine inches in thickness to the height of the bottom of the lintel.

Where walls are strapped every fireplace shall have jambs and lintels or arches of incombustible material carried forward to the face of the plaster-work.

No timber joist beam or safety lintel shall be inserted into a wall nearer to the fireplace flue or vents where practicable than nine inches unless protected by a fireclay shield enclosing the timber in which case the insertion shall not be nearer to the fireplace flue or vents than four and a half inches.

Fireproof
floors &c.

12. Where the floors roofing or other parts of the structure are constructed of fireproof materials details of the form of construction shall be submitted for approval to the Dean of Guild Court and at the completion of the work shall be tested for its strength and stability to the satisfaction of the master of works.

Chimneys
vents and
flues.

13. All chimney-stalks chimney heads chimneys vents and flues shall be constructed of such materials and be of such dimensions and height as the Dean of Guild Court may require.

The chimney vent or flue to carry smoke shall not be of less dimensions than nine inches by nine inches or nine inches diameter and the wall surrounding every chimney vent or flue shall not be less than four and a half inches thick if of brick or six inches thick if of stone with vent linings. Every chimney head shall have a stone or concrete coping extending the full thickness of the wall into which the chimney can shall be securely fixed and such chimney cans shall be sufficiently fenced where required by the Dean of Guild Court.

Every chimney head rising above any wall or roof more than six feet high at point of contact shall be secured to the satisfaction of the Dean of Guild Court.

Every gas fire shall have a flue and the dimensions of the flue shall be nine inches long by two and a half inches wide or the equivalent thereof and shall be carried up at least two feet clear of the adjacent roofs to the satisfaction of the Dean of Guild Court.

Fire pre-
vention in
timber work.

14. All spaces between the ends of timber beams or flooring joists in any wall shall be filled in with solid building or other incombustible material firmly packed. No mortar shall be

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used in the building material immediately abutting upon the sides or ends of any timber beam or joist When the span of lintels exceeds five feet any safe lintels that may be used above doors or windows or the openings therein shall be of stone ferro-concrete brick arched or steel beam. A.D. 1926.
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No timber strapping or lathing on the breast work of any chimney vent or flue shall be nearer to the inside of a chimney vent or flue than four and a half inches such strapping to be fixed with iron hold-fasts and which shall not be nearer than two inches to any chimney opening and the faces of the wall shall be plastered with lime or cement mortar.

15. All upper floors and all voids between walls and contiguous joists shall be deafened in such a manner and with such materials as may be approved by the Dean of Guild Court All voids between skirtings shall be solidly plugged with cement or other suitable material to the satisfaction of the Dean of Guild Court. Deafening.

16. In every dwelling-house the external walls where built solid shall be strapped and lathed or otherwise sufficiently protected from damp to the satisfaction of the Dean of Guild Court Where the lowest storey is below the surface of the ground such precautions as the Dean of Guild Court may require shall be taken as effectually to prevent damp from penetrating the walls. Wall strapping.

17. The roofs of all buildings shall be constructed of or covered with standard quality slate tile or other approved material to the satisfaction of the Dean of Guild Court and every building shall be provided with a hatchway on to the roof by which access may be had to the roof from the interior. Roof material.

18. Every building shall be provided with a space between the underside of the joists and the surface of the ground which space shall be sufficiently ventilated by suitable openings in the external and partition walls so placed as to secure through ventilation to the satisfaction of the Dean of Guild Court. Ventilation under ground floor.

19. Where any living or sleeping apartment is without an open fireplace and vent or chimney permanent ventilation shall be provided to the satisfaction of the Dean of Guild Court. Ventilation of apartments.

20. All common stairs of new tenement buildings shall unless where otherwise sanctioned by the Dean of Guild Court be placed against the outer wall of the building. Position of common stairs.

21. Every common stair and passage shall be provided with proper and adequate light and ventilation and the door of all such common stairs shall be fitted and equipped with approved Light and ventilation &c. of common

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stairs and passages.

Drainage and plumber work.

Drains to be outside of buildings &c.

Cupola on common stair.

Paving &c. of back courts &c.

Hoists or elevators.

opening apparatus all to the satisfaction of the Dean of Guild Court.

22. All plumber work connected with sanitary arrangements also all drains shall be of approved construction and tested on completion to the satisfaction of the master of works.

23. Unless where otherwise specially sanctioned by the Dean of Guild Court all drains shall be kept outside of buildings and clear of the foundations.

Where it is necessary that drains pass through or under any building they shall as may be determined by the Dean of Guild Court be of cast-iron or of fireclay pipes incased in cement-concrete of the best quality at least four inches thick.

Where practicable all drains shall be laid in straight lines with a true and uniform gradient to the satisfaction of the Dean of Guild Court. At each bend of direction in the drain an inspection-eye shall be provided and where required by the Dean of Guild Court brought up to the surface with surface cover and for purpose of cleansing a manhole shall be formed at important junctions for purpose of access.

24. In all tenements in which the common staircase is lighted from the roof the wellhole and rooflight of such staircase shall be of the following dimensions :—

In a tenement of three storeys in height the wellhole shall be of a superficial area of not less than thirty feet and the rooflight not less than one hundred and twenty feet. In a tenement of four storeys in height the wellhole shall be of a superficial area of not less than thirty feet and the rooflight not less than one hundred and thirty feet. In a tenement of five storeys in height the wellhole shall be of a superficial area of not less than thirty-six feet and the rooflight not less than one hundred and forty feet.

25. All private courts common passages and common areas shall be paved with such impervious material and to such extent as the Dean of Guild Court shall approve and be provided with proper and sufficient means for taking off the surface water to the drains.

26. Wherever in connection with any building a hoist or elevator is constructed within walls such walls shall be of fire-resisting material and if such hoist or elevator does not reach the topmost floor the space between such walls shall be provided at the top thereof with a ceiling of fire-resisting material and where any hoist or elevator reaches the topmost floor the walls thereof shall be carried up through the roof of the building to the height of three feet.

The well for any hoist or elevator shall be adequately protected at each floor level so as to prevent the passage of fire on to the upper floors of the building all to the satisfaction of the Dean of Guild Court. A.D. 1926.

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Compensation water and discharges from mills and works.")

WATER OF LEITH PURIFICATION AND SEWERAGE ACT 1889.

33. The weirs of the Harperrig and Threipmuir Reservoirs shall be raised as follows for the purpose of increasing their storage capacity :—

1. The weir of the Harperrig Reservoir shall be raised six feet above its present level ;
2. The weir of Threipmuir Reservoir shall be raised five feet above its present level :

And such increase of capacity shall be deemed to be full compensation to all persons having rights or being interested in the use or enjoyment of the waters in the river mill-leads and harbour as hereinbefore defined and for the diversion or abstraction therefrom by the works by this Act authorised of river water of the quantity of four hundred and sixty-six thousand six hundred and sixty-six cubic feet in any one day :

- (A) For the information of any person legally interested in the subject-matter of this section the commissioners shall erect construct and maintain in connection with the sewers authorised by this Act measuring gauges or other apparatus proper and sufficient for the purpose of enabling any such person to ascertain and measure the discharges from the mills and other works into the main or branch sewers of the commissioners such measuring gauges or other apparatus in case of difference of opinion to be constructed to the reasonable satisfaction of an arbiter mutually chosen or failing agreement by an arbiter to be appointed by the sheriff-depute of the Lothians and Peebles and to be open to the inspection of all such persons ;
- (B) The same quantity of water shall be discharged from Harperrig Reservoir on Sundays and non-working

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- days as shall have been discharged on the average of each of the six days of the previous week ;
- (c) The commissioners shall make and enforce regulations prescribing the quantity of foul water to be discharged into the pipes or sewers constructed under this Act from the mills and other works but so that the maximum quantity of river water discharged into the sewers shall not exceed four hundred and sixty-six thousand six hundred and sixty-six cubic feet per day of twenty-four hours for six days each week ;
- (d) If the commissioners shall at any time discharge or allow to be discharged into the sewers as aforesaid on the average of the six days of any one week a larger quantity of river water than the said four hundred and sixty-six thousand six hundred and sixty-six cubic feet in any one day any persons injuriously affected by such larger discharge as aforesaid shall be entitled to compensation in money the amount of which shall be fixed and decerned for by the arbiter referred to in this section in the manner provided by the sixth section of the Waterworks Clauses Act 1847 ;
- (e) No water shall be discharged into the sewers to be constructed under this Act until the raising of the weirs of Harperrig and Threipmuir Reservoirs shall have been completed in terms of this section ;
- (f) River water for the purpose of this section shall be held to include compensation water provided to mill owners and others on the water of Leith by the Edinburgh Water Company's Act 6 and 7 Victoria cap. lxxxix. (local and personal) and the Edinburgh Water Company's Act 1856 so far as the said Acts are not repealed but not other water supplied from the distributing pipes of the water trustees or derived from sources beyond the water-shed of the river and any difference arising under this subsection (f) shall be decided by the said arbiter ;
- (g) The costs of the arbitration under this section of this Act shall be in the discretion of the arbiter.

WATER OF LEITH PURIFICATION AND SEWERAGE
ORDER 1908.

Measure-
ment of
discharge
from
Legget's
Skinnery.

26. The commissioners may for the purpose of measuring the quantity of foul river water discharged from Legget's Skinnery situate at the Water of Leith village in accordance with the provisions of section 33 of the Act of 1889 as amended by this Order construct erect and maintain a measuring gauge and other

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apparatus in the measuring well Work No. 15 before described and may disconnect the existing drain constructed by the commissioners after the passing of the Act of 1889 and divert the discharge from the said drain and carry the same by means of Work No. 16 before described to the main sewer of the commissioners constructed under the Act of 1889. A.D. 1926.
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27. For the purpose of measuring the foul river water discharged from the mills and other works in accordance with the provisions of section 33 of the Act of 1889 as amended by this Order the commissioners may at any time require the owners and occupiers of such mills and other works to allow the commissioners access thereto and the commissioners may take measurements at such mills and other works in such way and manner as they think fit either by measuring the water passing into such mills and other works by the pipes supplying river water or by measuring the water passing out of such mills and other works into the sewers of the commissioners or any sewers or drains connected directly or indirectly therewith and the commissioners may construct or make in such mills and other works such tanks wells connections and disconnections as they think fit for taking such measurements and the commissioners shall have power to enter upon all such mills and other works for the purpose of taking such measurements and for the purpose of constructing or making such tanks wells connections and disconnections therein and may provide place and maintain in such mills and other works all necessary gauges recorders or meters for the purpose of measuring the foul river water entering the sewers of the commissioners or any sewers or drains connected directly or indirectly therewith Provided that all such tanks wells gauges recorders and meters shall be placed in such suitable and convenient parts of the works as shall be arranged with the owners thereof and shall from time to time be removed by the commissioners and at their expense on the requisition of such owners to such other suitable and convenient parts of their said works as shall be arranged on their showing reasonable cause for such removal and the commissioners shall pay to such owners a yearly rent for the ground taken and occupied by such tanks wells gauges recorders and meters as the amount thereof shall failing agreement be fixed by arbitration in the manner provided by the next succeeding section of this Order and in the event of any dispute arising between the commissioners and any such owner as to the suitability and convenience of any site or sites for such tanks and others aforesaid the same shall be settled by the sheriff in a summary manner on the application of either party.

Powers of commissioners regarding measurement of discharges from mills and works.

28. In any case where gauges or other apparatus for measuring water shall be so constructed by the commissioners as to cause

Increased cost of pumping

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—
caused by
erection of
measuring
gauges to
be paid by
com-
missioners.

increased cost of pumping such increased cost shall from time to time be paid by the commissioners to the occupier or other person bearing the expense of such pumping as the same shall failing agreement be fixed by an arbiter to be agreed on by the parties or failing agreement to be appointed by the Secretary for Scotland on the application of either party It shall be in the power of such arbiter after hearing parties to take such means as he may consider proper for obtaining information as to the matter in dispute and if he thinks fit he may dispense with any written proceedings or any formal proof The remuneration of such arbiter shall be fixed by the Secretary for Scotland and shall be paid by the commissioners.

Records
from
measuring
gauges to
be kept.

29. The commissioners shall keep detailed and complete records in as convenient a form as possible of the information afforded by all and any measuring gauges erected or maintained by them and such records shall be open for inspection at all reasonable times to any owner or occupier of any mill or other works on the river or to any one authorised by any such owner or occupier and any one so inspecting may make notes or excerpts from such records.

Milowners
may apply
to sheriff-
depute for
new regula-
tions under
section 33 (c)
of Act of
1889.

30. Any three of the owners of the mills and other works mentioned in section 33 (c) of the Act of 1889 may at any time and from time to time apply to the sheriff-depute representing that owing to change of circumstances the regulations or byelaws made under that section in so far as relates to the distribution of the quantity of river water discharged into the sewers among the owners of the mills and other works require readjustment and the sheriff-depute may thereupon after hearing the commissioners and any others claiming to have interest alter and readjust the basis of such distribution :

Provided that such owners of mills and other works shall have no right to apply to the sheriff-depute under this section until they or their agent have given six months' notice in writing to the commissioners of their intention so to apply and no application shall be made within five years of a previous allocation being approved by the sheriff-depute Provided further that nothing in this section shall prevent the commissioners from time to time and at any time they see fit making regulations or byelaws subject to the same being approved as provided for in the Act of 1889.

Amendment
of Act of
1889.

51. The Act of 1889 is hereby subject to the provisions of this Order further amended as follows and shall from and after

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the commencement of this Order have effect as so amended A.D. 1926.
accordingly (that is to say) :—

* * * * *

- (2) Section 33 of the Act of 1889 shall be read as if the words "by the works by this Act authorised" were deleted and as if the words "into the sewers authorised or vested in the commissioners by this Act" were substituted for the words so deleted;
- (3) Section 33 subsection (A) of the Act of 1889 shall be read as if the words "or vested in the commissioners" were inserted after the word "authorised" and as if the words "main or branch" were deleted and the word "said" substituted therefor and as if the words "of the commissioners" were deleted;
- (4) Section 33 subsection (c) of the Act of 1889 shall be read as if the words "or byelaws" were inserted after the word "regulations" and as if the words "pipes or" and "constructed under" were deleted and as if the words "by means of connections made after the passing of this Act" were inserted after the word "discharged" first occurring and as if the words "authorised or vested in the commissioners by" were inserted after the word "sewers" first occurring and as if the word "said" were inserted before the word "sewers" second occurring and as if the words "by means of such connections" were inserted after the word "sewers" second occurring and as if the words "and may from time to time alter or vary such regulations or byelaws and substitute new regulations or byelaws Provided that any connection substituted for any connection existing at the passing of this Act shall to the extent of the original connection be deemed to be a connection existing at the passing of this Act" were inserted after the last word of said subsection.

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THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Repeal of Acts &c.")

ACTS AND ORDERS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
42 & 43 Vict. c. cxxxii.	The Edinburgh Municipal and Police Act 1879.	The following Parts of the Act in so far as not already repealed namely Part XI. (Streets foot-pavements and footpaths) except section 148 Part XII. (Dean of Guild Court) Part XIII. (Sanitary provisions) (1) Public sewers and (2) Drainage of houses &c. and Part XIV. (General police regulations) (1) Precautions during building operations.
45 & 46 Vict. c. clxi.	The Edinburgh Municipal and Police Extension Act 1882.	Sections 38 and 39.
48 & 49 Vict. c. clxxix.	The Edinburgh Extension and Sewerage Act 1885.	Sections 14 28 to 31 inclusive and 36 37 and 38.
52 & 53 Vict. c. cvi.	The Water of Leith Purification and Sewerage Act 1889.	The whole Act in so far as not already repealed except sections 33 81 82 108 and 114 to 116 inclusive.
54 & 55 Vict. c. cxxxvi.	The Edinburgh Municipal and Police (Amendment) Act 1891.	Sections 7 8 32 to 55 inclusive section 56 and the Schedule and sections 57 58 and 59 sections 62 75 and 76 and subsections (7) and (8) of section 80.
56 Vict. c. xvii.	The Water of Leith Purification and Sewerage (Additional Powers) Act 1893.	The whole Act except section 12 and the Schedule.
56 & 57 Vict. c. cliv.	The Edinburgh Improvement and Municipal and Police (Amendment) Act 1893.	Subsections (3) (6) and (8) of section 34 sections 35 36 and 37.

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Session and Chapter.	Title.	Extent of Repeal.
59 & 60 Vict. c. cciii.	The Edinburgh Extension Act 1896.	Sections 43 and 44 sections 49 to 52 inclusive and sections 69 80 and 81.
59 & 60 Vict. c. ccxxiv.	The Edinburgh Improvement and Tramways Act 1896.	Sections 55 to 67 inclusive sections 70 to 73 inclusive section 75 subsections (1) (4) (8) (9) and (10) of section 87 and section 89.
60 Vict. c. xxxii.	The Edinburgh Corporation Act 1897.	Sections 72 to 76 inclusive section 81 and sections 84 85 and 86.
62 & 63 Vict. c. lxxi.	The Edinburgh Corporation Act 1899.	Sections 44 45 47 and 48.
63 & 64 Vict. c. cxxxiii.	The Edinburgh Corporation Act 1900.	Sections 27 28 32 73 and 74 and section 80 (so far as amending enactments which are by this Order repealed).
1 Edw. 7. c. clxxxiv.	The Edinburgh Corporation Order Confirmation Act 1901.	Sections 58 59 and 64 of the Order scheduled thereto.
3 Edw. 7. c. lxxiii.	The Edinburgh Corporation (Markets Slaughterhouses &c.) Order Confirmation Act 1903.	Section 47 (so far as amending enactments which are by this Order repealed) of the Order scheduled thereto.
6 Edw. 7. c. clxiii.	The Edinburgh Corporation Act 1906.	Sections 63 to 69 inclusive subsections (4) (5) (6) and (8) of section 77 and section 80.
8 Edw. 7. c. clxiii.	The Water of Leith Purification and Sewerage Order Confirmation Act 1908.	The whole of the Order scheduled thereto except sections 14 26 to 30 inclusive section 39 and the Second Schedule section 40 and the Third Schedule section 49 and subsections (2) (3) and (4) of section 51.
3 & 4 Geo. 5. c. lxxiv.	The Edinburgh Corporation Act 1913.	The following Parts of the Act namely Part VIII. (Sewers and drains) Part IX. (Streets) Part X. (Dean of Guild Court and Building regulations) and Part XI. (Precautions during building operations &c.) subsections (4) and (6) of section 88 section 95 and subsection (3) of section 97.

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Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Geo. 5. c. ii.	The Edinburgh Corporation Order Confirmation Act 1916.	Sections 57 to 60 inclusive of the Order scheduled thereto.
10 & 11 Geo. 5. c. lxxxvii.	The Edinburgh Boundaries Extension and Tramways Act 1920.	The proviso to subsection (1) of section 37 and sections 45 and 58.
11 & 12 Geo. 5. c. cxxii.	The Edinburgh Corporation Order Confirmation Act 1921.	Sections 31 to 37 inclusive of the Order scheduled thereto.
13 Geo. 5. c. iv.	The Edinburgh Corporation Order Confirmation Act 1922 (Session 2).	Section 66 of the Order scheduled thereto.
14 & 15 Geo. 5. c. lxxvii.	The Edinburgh Corporation (Tramways &c.) Order Confirmation Act 1924.	Sections 35 41 to 45 inclusive of the Order scheduled thereto.

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