



## CHAPTER cxix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dundee Corporation. A.D. 1927.

[22nd December 1927.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict.  
c. 47.  
16 & 17  
Geo. 5.  
c. 18.

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 Dundee Corporation Order Confirmation Act 1927.

Short title.

A.D. 1927.

SCHEDULE,

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DUNDEE CORPORATION.

*Provisional Order to confer powers on the Dundee Corporation to abandon the construction of road and sea wall works and substitute other works therefor to run omnibuses within the city to make certain provisions in respect of municipal administration and in connection with the finances of the city and for other purposes.*

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Dundee (hereinafter called "the Corporation" and "the city" respectively) are vested with the municipal and police administration thereof and are the local authority within the city under the Public Health (Scotland) Act 1897 :

And whereas by the Dundee Corporation Order 1926 the Dundee Gas Commissioners and the Dundee Water Commissioners were dissolved as from the fifteenth day of November nineteen hundred and twenty-six and the Corporation were constituted the authority for carrying the Dundee Gas Acts 1868 to 1925 and the Dundee Electricity Orders 1890 to 1913 and the Dundee Water Acts 1869 to 1925 into execution in lieu and in place of the Gas Commissioners and Water Commissioners respectively and the said Dundee Gas Acts and the said Dundee Water Acts respectively were thereby amended accordingly and the undertakings of the Gas Commissioners and the Water Commissioners respectively authorised by the said gas Acts and electricity Orders and the said water Acts were transferred to and vested in the Corporation and the Corporation became the undertakers under the said Acts and Orders in lieu and in place of the Gas Commissioners and Water Commissioners respectively :

And whereas owing to the development and extension of the city principally through the erection of state-aided dwelling-houses in outlying districts of the city it is expedient that the Corporation should be empowered to run omnibuses within the city :

And whereas it is expedient that the Corporation should be authorised to borrow and raise money for the purposes of this Order and to levy rates and assessments as in this Order provided : A.D. 1927.  
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And whereas by the Dundee Boundaries Act 1913 (hereinafter called "the Boundaries Act of 1913") the burgh of Broughty Ferry and certain portions of the county of Forfar were incorporated with and added to the city and it was by the said Act provided that the Corporation should within ten years apply for and endeavour to obtain powers to enable them to construct and maintain a new road along the foreshore as therein set forth :

And whereas by the Dundee Corporation Order 1921 (hereinafter called "the Order of 1921") the Corporation were authorised to make and maintain the road and sea wall works therein described being the road along the foreshore referred to in the Boundaries Act of 1913 :

And whereas by the Dundee Corporation and Water and Gas Order 1925 (hereinafter called "the Order of 1925") the Corporation were empowered to limit and modify the road and sea wall works authorised by the Order of 1921 in the manner therein set forth :

And whereas the existing roads between Dundee and Broughty Ferry have been improved and widened in many parts and a new road made and when the substituted works provided for in this Order are completed the means of communication between Dundee and Broughty Ferry will be ample and it is therefore unnecessary and inexpedient to proceed with the road and sea wall works authorised by the Order of 1921 as modified by the Order of 1925 and it would be of local and public advantage that the Corporation should be authorised to abandon the same and that the Corporation should be authorised to construct the said substituted works as in this Order provided :

And whereas plans and sections showing the lines situations and levels of the several street works authorised by this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or under the powers of this Order

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A.D. 1927. — were duly deposited with the principal sheriff clerk of the county of Forfar at his offices in Dundee and Forfar respectively and are hereinafter referred to as the deposited plans sections and book of reference :

And whereas under the Order of 1925 the Corporation were empowered to borrow the sum of seventy thousand pounds in respect of the road and sea wall works thereby authorised but none of the said money has been borrowed :

And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

	£
For the provision of omnibuses - - -	25,000
For the construction of the street and other works by this Order authorised and the purchase of lands and properties therefor - - -	44,500
Slaughter-house plant - - -	3,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a period of years :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred on the Corporation and made as by this Order provided :

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

Short title  
and citation  
of Acts.

1. This Order may be cited for all purposes as the Dundee Corporation Order 1927.

The Dundee Corporation Acts 1871 to 1926 and this Order may be cited together as the Dundee Corporation Acts 1871 to 1927.

The Dundee Gas Acts 1868 to 1926 and this Order so far as relating to gas and gas purposes may be cited together as the Dundee Gas Acts 1868 to 1927. A.D. 1927.  
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The Dundee Water Acts 1869 to 1926 and this Order so far as relating to water and water purposes may be cited together as the Dundee Water Acts 1869 to 1927.

2. This Order is divided into Parts as follows :—
- |   |                                     |
|---|-------------------------------------|
| Part I.—Preliminary.                                    | Division of<br>Order into<br>Parts. |
| Part II.—Tramways and omnibuses.                        |                                     |
| Part III.—Street and other works.                       |                                     |
| Part IV.—Lands.   |                                     |
| Part V.—Municipal administration.                       |                                     |
| Part VI.—Gas.   |                                     |
| Part VII.—Borrowing of money and rates and assessments. |                                     |
| Part VIII.—Miscellaneous.                               |                                     |

## PART I.

### PRELIMINARY.

3. In this Order terms words and expressions to which meanings are assigned by the Dundee Police and Improvement Consolidation Act 1882 or the tramways Acts or by the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction. Further in this Order the following expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

Interpreta-  
tion.

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

“ Corporation ” means the lord provost magistrates and councillors of the city ;

“ The Gas Acts ” means the Dundee Gas Acts 1868 to 1926 ;

“ Private street ” shall mean any street other than a public street not being or forming part of any harbour dock quay wharf railway railway station or depôt ;

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- “Public street” means any street or part thereof which at the commencement of this Order is wholly maintained by the Corporation or the maintenance of which the Corporation may after the commencement of this Order undertake or assume;
- “Sheriff” means the sheriff of the county of Forfar and includes his substitutes;
- “Sheriff clerk” means the sheriff clerk of the county of Forfar;
- “The Act of 1882” means the Dundee Police and Improvement Consolidation Act 1882;
- “The Act of 1899” means the Dundee Gas Street Improvements and Tramways Act 1899;
- “The Order of 1907” means the Dundee Corporation Order 1907;
- “The Improvements and Tramways Act 1913” means the Dundee Corporation (Improvements and Tramways) Act 1913;
- “The Order of 1914” means the Dundee Boundaries Extension and Gas Order 1914;
- “The Order of 1921” means the Dundee Corporation Order 1921;
- “The Order of 1925” means the Dundee Corporation and Water and Gas Order 1925;
- “The Order of 1926” means the Dundee Corporation Order 1926;
- “Tenement” means a building constructed in flats or storeys and containing two or more dwelling-houses in separate occupation;
- “The commencement of this Order” means the date of the passing of the Act confirming this Order.

## PART II.

### TRAMWAYS AND OMNIBUSES.

Repeal of sections of former Acts and Orders as to tramways.

4. The following sections so far as they apply section 55 (Cheap fares for labouring classes) of the Dundee Tramways Act 1872 (namely):—

Section 27 (Tolls rates and charges) of the Dundee Street Tramways Turnpike Roads and Police Act 1878;

- Section 19 (Application of specified clauses of existing tramway Acts to tramway authorised by this Act) of the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887; A.D. 1927.
- Section 49 (Application of specified clauses of existing tramway Acts to tramways authorised by this Act) of the Dundee Extension and Improvement Act 1892;
- Section 30 (Application of specified clauses of existing tramway Acts to tramways authorised by this Act) of the Act of 1899; and
- Section 23 (Application of specified clauses of existing tramway Acts to tramways authorised by this Order) of the Dundee Corporation Order 1901;

are hereby repealed.

5. Section 55 (Cheap fares for labouring classes) of the Order of 1907 shall be read and have effect as if the words "at fares not exceeding one halfpenny for every mile or fraction of that distance" were deleted therefrom. Amendment of section 55 of Order of 1907.

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

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(3) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference

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A.D. 1927; — with telegraphic communication by means of any telegraphs of the Postmaster-General.

(4) The Corporation shall perform in respect of the omnibuses provided under this section such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(5) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

(6) The Corporation may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

(7) The omnibus undertaking of the Corporation shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with motor omnibuses shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure in connection with the remainder of such undertaking.

(8) Section 25 (Statement and balance sheet and estimates to be laid before Corporation) of the Dundee Corporation (Tramways) Act 1898 shall be read and have effect as if the words "tramway" and "tramways" included "omnibus" and "omnibuses" respectively.

As to  
bridges of  
railway or  
canal com-  
panies.

7. Nothing in this Part of this Order shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or re-construct any road or any bridge with the immediate approaches and all other necessary works connected therewith maintainable by them.

Fares and  
charges.

8.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses provided by the Corporation under this Order fares and charges not exceeding



such maximum fares and charges as may from time to time be approved by the Minister of Transport. A.D. 1927.

Any application for a revision of such maximum fares or charges may be made by the Corporation.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties to the inquiry or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not be of a form or description to annoy or inconvenience other passengers. A passenger shall not place any personal luggage on any seat or part of a seat on which any other passenger desires to sit.

(3) The Corporation may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and also carry on the omnibuses dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other merchandise or animals.

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

9. For the purpose of using mechanical power the Corporation may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein. Power to acquire patent rights.

10. The Corporation may appoint the stations and places from which the omnibuses of the Corporation shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time Stopping and starting places.

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A.D. 1927. — during which such carriages and omnibuses shall be allowed to remain at any such place.

Attachment of signs indicating stopping places to lamp-posts &c.

11.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of their omnibus routes signs or directions indicating the position of stopping places for omnibuses :

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

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

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

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

Through omnibuses.

12. The Corporation may run through omnibuses on any omnibus route within the city and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibuses. Provided that during the running of such through omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of omnibuses.

Power to reserve omnibuses for special purposes.

13.—(1) Notwithstanding anything contained in this Order to the contrary the Corporation may on any occasion run and reserve omnibuses within the city for any special purpose which the Corporation may consider

necessary or desirable provided that such special omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Corporation and that during the running of such special omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of omnibuses.

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

(3) The restrictions contained in this Part of this Order as to fares or charges for passengers shall not extend to any such special omnibuses and in respect thereof the Corporation may demand and take such fares or charges as they shall think fit.

14. The Corporation may erect and maintain sheds shelters or waiting-rooms and gangways for the accommodation of passengers on any omnibus route and may use for that purpose portions of the public streets or roads.

Shelters  
and waiting-  
rooms.

15. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their omnibus undertaking and at suitable places on any of their omnibus routes and the Corporation may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein.

Cloak-  
rooms &c.

16. For the better regulation of persons desiring to travel in the omnibuses of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may use part of a public street or road and the Corporation may make byelaws requiring persons waiting to enter any of their omnibuses to wait in lines or queues and to enter such omnibuses in the order in which they stood in such line or queue.

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

17. All byelaws made by the Corporation under the provisions of this Part of this Order shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Byelaws.

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Power to substitute omnibus services for tramways of the Corporation.

18.—(1) The Corporation may at any time discontinue the use of and abandon the whole or any part of any tramway belonging to them and may provide and run omnibuses along the route of any tramway or part of a tramway so abandoned or the use of which is so discontinued. Provided that section 55 of the Order of 1907 as amended by this Order shall apply to any service of omnibuses provided in terms of this subsection.

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

Accounts to be furnished to Minister of Transport.

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

For protection of London Midland and Scottish and London and North Eastern Railway Companies.

20. The following provisions for the protection and benefit of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company (each of which companies is in this section referred to as "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company:—

Notwithstanding anything contained in this Part of this Order no shed shelter waiting-room gangway cloak-room or room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any such stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or exit from any station or depôt belonging to the company nor shall any such shed shelter waiting-room gangway cloak-room room barrier or post be erected maintained or provided or starting or stopping station or place be appointed on any bridge carrying any street or road over the railways of the company or on the immediate approaches to any such bridge.

21.—(1) The Corporation shall not under the powers of this Part of this Order without the consent of the Dundee Broughty Ferry and District Tramways Company (in this section referred to as “the tramway company”) under their common seal run omnibuses along any route within the city on which any part of the tramways for the time being owned by or leased to or worked or run over by the tramway company are situate or along any road in competition with such tramways or any of them Any question which may arise as to whether there is such competition shall be referred to and determined by the Minister of Transport or by an arbiter appointed by him on the application of the Corporation or of the tramway company.

A.D. 1927.  
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For protec-  
tion of  
Dundee  
Broughty  
Ferry and  
District  
Tramways  
Company.

(2) The powers conferred upon the Corporation by the section of this Order of which the marginal note is “Power to substitute omnibus services for tramways of the Corporation” shall not be exercised by the Corporation in connection with any tramway route or part of a tramway route from the centre of the city to the junction of the Corporation’s tramways with the tramways belonging to the tramway company.

### PART III.

#### STREET AND OTHER WORKS.

22. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference or some part or parts thereof and according to the levels shown on the deposited sections corrected as to the sections relating to works Nos. 3 and 4 as shown on a copy of the deposited plans signed by Mr. Stephen Mitchell M.P. the Chairman of the Commissioners to whom this Order was referred for inquiry the widenings alterations and improvements of roads and streets and the new road path footpath or street hereinafter described or some of them or some part or parts thereof respectively with all proper works and conveniences connected therewith (all in this Order called “street works”).

Power to  
make street  
works.

23. The street works hereinbefore referred to and authorised by this Order will be wholly situate within the

Description  
of street  
works.

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A.D. 1927. city and the Dundee combination parish in the county of Forfar and are as follows (that is to say):—

- (1) The widening alteration and improvement (marked "Work No. 1" on the deposited plans) of Dundee Road on the north and south sides thereof commencing at a point in the said road opposite the centre line of Margaret Crescent and terminating at a point in the said Dundee Road opposite the west line of Ogilvy Road:
- (2) The widening alteration and improvement (marked "Work No. 2" on the deposited plans) of Dundee Road on the north and south sides thereof commencing at a point in the said road opposite the west line of Ogilvy Road and terminating at a point in the said Dundee Road opposite the centre line of Douglas Terrace:
- (3) The construction of a path or footway with the necessary embanking or bridge-work to support the same (marked "Work No. 3" on the deposited plans) along the foreshore of the Firth of Tay commencing at a point in the south side of Broughty Ferry Road 300 yards or thereabouts east from the point of intersection of the centre line of the said road with centre line of Stannergate Road and terminating in open ground known as Grassy Beach at a point therein 9 yards or thereabouts west from the prolongation of the west boundary wall of Harecraigs:
- (4) The construction of a path or footway with the necessary embanking or bridge-work to support the same (marked "Work No. 4" on the deposited plans) along the foreshore of the Firth of Tay commencing at a point in open ground known as Grassy Beach immediately to the south of the south boundary wall of Dundee and Arbroath Joint Line Railway opposite the footbridge crossing that railway in continuation of Beach Lane and terminating at a point in the south side of Douglas Terrace 125 yards or thereabouts south-east from the south line of Nicoll Street;

- (5) A new road or street (marked "Work No. 5" on the deposited plans) commencing from and in extension to Union Place at its southern boundary and extending therefrom in a southerly direction to and terminating by a junction with Magdalen Yard Road at a point therein 73 yards or thereby east from the east line of Taylor's Lane. A.D. 1927.

24. The sections hereinafter specified of the Improvements and Tramways Act 1913 shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the street works by this Order authorised and to the Corporation with reference thereto as fully and effectually as if those sections had been re-enacted in this Order (that is to say):— Application of sections of Improvements and Tramways Act 1913.

- Section 7 (Ownership of streets);
- Section 8 (Lateral and vertical deviations);
- Section 9 (Power to cross roads &c. temporarily);
- Section 10 (Corporation to form carriageways &c.);
- Section 11 (Corporation empowered or may be required to underpin or otherwise strengthen houses near street works);
- Section 12 (Power to make minor works connected with street works);
- Section 13 (As to removal and relaying of water pipes);
- Section 14 (As to removal and relaying of electric cables and gas pipes);
- Section 15 (Power to alter steps doors &c.);
- Section 16 (Lands thrown into streets to be public highway).

25. The street works hereinbefore described and authorised by this Order shall be completed within eight years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of street works.

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A.D. 1927.

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Abandonment of certain works previously authorised.

26. The Corporation shall abandon the construction of the works authorised by section 5 (Description of road and sea wall works) of the Order of 1921 as modified by section 9 (Modification and partial abandonment of certain works previously authorised) of the Order of 1925 so far as the same have not already been constructed. Provided that if and when the London Midland and Scottish Railway Company and the London and North Eastern Railway Company as owners of the Dundee and Arbroath Joint Line intimate to the Corporation that they are to widen their railway the Corporation shall at their own expense when required by the said railway companies so to do rebuild the bridge (as widened by the Corporation) over the said joint line at Stannergate in accordance with the provisions of section 20 (For protection of Caledonian and North British Railway Companies) of the Order of 1921.

Compensation for damage to land by entry &c. for purposes of works abandoned.

27. The abandonment by the Corporation under the authority of this Order of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Order of 1921 or the Order of 1925.

Compensation to be made in respect of portions of works abandoned.

28. Where before the commencement of this Order any contract has been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Order the Corporation shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the



amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. A.D. 1927.  
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29. The sections hereinafter specified of the Order of 1921 shall extend and apply mutatis mutandis to Work No. 3 and Work No. 4 by this Order authorised as fully and effectually as if those sections had been re-enacted in this Order (that is to say):— Application  
of sections  
of Dundee  
Corporation  
Order 1921  
to works.

Section 7 (Limits of deviation);

Section 8 (Works below high-water mark to be subject to approval of Board of Trade);

Section 9 (Lights on works during construction);

Section 10 (Permanent lights on works);

Section 11 (Survey of works by Board of Trade);

Section 12 (Abatement of work abandoned or decayed);

Section 13 (Provision against danger to navigation).

#### PART IV.

##### LANDS.

30. Subject to the provisions of this Order the Corporation may compulsorily or by agreement enter upon take and use all or any of the lands houses and property shown on the deposited plans and specified and described in the deposited book of reference required for or in connection with the street works authorised by this Order. Power to  
take lands  
for street  
works.

31. The powers of the Corporation for the compulsory purchase of lands houses and property required for or in connection with the street works authorised by this Order shall cease after the expiration of three years from the commencement of this Order. Limitation  
of time for  
compulsory  
purchase of  
lands.

32. The sections hereinafter specified of the Improvements and Tramways Act 1913 shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the lands houses and other property authorised to be taken and appropriated by this Order and the street works by Application  
of sections  
of Improve-  
ments and  
Tramways  
Act 1913 as  
to lands.

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A.D. 1927. — this Order authorised and to the Corporation with reference thereto as fully and effectually as if those sections had been re-enacted in this Order (that is to say) :—

Section 31 (Correction of errors in deposited plans and book of reference);

Section 32 (Power to take down buildings and lay out lands of new);

Section 34 (As to private rights of way over lands taken compulsorily);

Section 37 (Purchase of lands by agreement);

Section 38 (Power to take servitudes &c. by agreement);

Section 39 (Power to retain sell &c. lands);

Section 40 (Corporation may appropriate lands for purposes of Act);

Section 41 (Corporation not to be bound to execute all works &c.).

Owners may be required to sell parts only of certain properties.

33. Whereas in the exercise by the Corporation of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans and numbered thereon 6 to 11 both inclusive 13 to 16 both inclusive 19 21 to 23 both inclusive 25 28 42 43 54 62 to 85 both inclusive 87 and 89 all in the Dundee combination parish will be sufficient for the purposes of this Order or any of them and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

The owner of and persons interested in any of the said properties whereof a portion only is required for the purposes of this Order or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties";

The provisions of subsections (2) to (7) both inclusive of section 33 (Owners may be required to sell parts only of certain properties) of the Improvements and Tramways Act 1913 are incorporated with and form part of this section;

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845;

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—

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

34. Section 20 (For protection of Caledonian and North British Railway Companies) of the Order of 1921 except subsection (2) thereof shall be incorporated with and form part of this Order with the substitution of the words "London Midland and Scottish and London and North Eastern Railway Companies" for the words "Caledonian and North British Railway Companies."

For protection of railway companies.

35. Nothing in this Order shall supersede prejudice or affect the minute of agreement and feu contract both executed on twelfth sixteenth and twenty-eighth February and fifth March all in the year nineteen hundred and twenty-four entered into between the Corporation and the trustees of the late David Charles Guthrie of Craigie and the Corporation shall not be entitled to take under the powers of the Order any lands lying on the south or river side of the lands feued under the said feu contract and they shall take the said feued lands only on the terms conditions and others contained in the said feu contract Provided always that the footpaths by the Order authorised shall be deemed to be a road or esplanade within the meaning of the said feu contract.

For protection of D. C. Guthrie's Trustees.

## PART V.

### MUNICIPAL ADMINISTRATION.

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

Height of buildings.

(1) After the commencement of this Order no building in or ex adverso of any street shall be

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erected of 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 the Dundee Corporation Acts and Orders or any of them :

(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 other than an attic 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 :

(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. 1927.

- (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) Nothing in this section shall prevent the erection on the site of any existing building belonging to a railway company which may hereafter be taken down of a new building belonging to a railway company of a height not exceeding that of such existing building.

37. The following provisions in regard to the open space to be provided about buildings erected after the commencement of this Order shall apply and have effect (that is to say) :— Space about buildings.

- (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 Corporation so require have directly attached and pertaining

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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 Corporation 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 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.

Open space  
to be free  
from  
erections.

38.—(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. A.D. 1927.

(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 by the Corporation 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.

(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 Corporation.

39. No boundary wall or fence shall be hereafter erected on the side of or abutting upon any public thoroughfare exceeding a height which shall be fixed by the Corporation when the plans for the wall or fence or for the building to which the wall or fence belongs are approved.

Height of boundary wall or fence abutting on public thoroughfare.

40.—(1) All buildings erected or re-constructed after the commencement of this Order shall unless the Corporation 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.

Strength of buildings.

(2) From and after the commencement of this Order it shall not be lawful for any person to place or fit up on any upper floor of any existing building

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Height of rooms.

41. 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) :—

- (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 Provided however that in the case of self-contained dwelling-houses or flatted houses not exceeding two storeys in height the height of such rooms on the ground floor may if so decided by the Corporation be not less than eight feet six inches:
- (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.

Window cleaning.

42. In all dwelling-houses erected or re-constructed 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 Corporation shall unless there are special grounds established to their satisfaction disapprove of the plans for any such dwelling-house where provision is not made for satisfying this requirement.

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

43. 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 flag pole 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 city engineer is dangerous to the public or to property in the vicinity the city engineer shall give notice to the owner of such building requiring him within a reasonable time to be stated in such notice to repair or secure the whole or any portion or portions of such chimney stalks or cans or pots slating tiling or other materials of roofs lath and plaster or rough casting of exterior walls rhones signboards flag pole 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 city engineer shall report the matter to the prosecutor in the sheriff court and it shall be competent for the prosecutor to cite such owner before the sheriff who may require him to have such repairs or alterations executed within a specified time at the sight and to the satisfaction of the city engineer and failing compliance with the deliverance of the said sheriff such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings :

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

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

Parking  
places for  
vehicles.

- (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.

(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 daily newspaper or newspapers published and circulating in the city and shall also cause a copy of such notice to be posted for not less than fourteen days in the part of the street which it is proposed to use as a parking place 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.

Any person aggrieved by any order of the Corporation under this section may appeal to the sheriff within twenty-one days after the making of such order 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 and to award expenses such expenses to be recoverable as a debt.

(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.

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(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 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 as to time and otherwise 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 and a copy of any such regulations shall be exhibited at or near any parking place to which the regulations relate.

(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.

45.—(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 interfere with any electric or other wires 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 which such tree hedge or shrub is growing requiring

Lopping of  
overhanging  
trees hedges  
&c.

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A.D. 1927. — 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 aforesaid 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 and to award expenses such expenses to be recoverable as a debt. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

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

46.—(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.

List of public streets.

47. 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. Provided always that the omission of any street from the list of public streets shall not of itself infer that that street is not a public street. The list prepared under the provisions of this section shall be kept in the

office of the city engineer and shall be open to the inspection of any person without payment during the ordinary office hours. A.D. 1927.  
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48.—(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 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:—

Height of  
fences and  
hedges at  
street  
corners.

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence or wall 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 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 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.

(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.

(4) In cases where under paragraph (b) of subsection (1) of this section the height of any existing fence wall hedge tree or shrub is reduced the Corporation shall make compensation to the owner or other persons interested in the land for any loss or damage which he or they may sustain in consequence of the reduction in

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A.D. 1927. — height of such existing fence wall 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.

Attachment  
of brackets  
to buildings.

49. The Corporation may with the consent of the owner of any house or building attach to that house or building such brackets rosettes wires and apparatus as may be required for and in connection with the tramway public lighting or electricity departments of the Corporation :

Provided that—

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

the parties the expenses of the application are to be paid and the decision of the sheriff shall be final: A.D. 1927.

- (2) Any consent of an owner and any decision of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (1):
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

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

50.—(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

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hoardings platforms and balconies and the dimensions position and use of the same;

- (f) The erection of walls or other fences forming divisions between courts back courts and areas;
- (g) Provision against the risk of fire in buildings and for means of escape from fire;
- (h) The ventilation of and admission of light to buildings;
- (i) 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;
- (j) 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.

Provisions  
as to certain  
byelaws.

51. The last paragraph of section 316 and sections 317 to 324 of the Burgh Police (Scotland) Act 1892 which sections are applied to the city by section 84 (Sections of Burgh Police Act 1892 applied to burgh) of the Order of 1907 shall apply to any byelaws made under the sections of this Order of which the marginal notes are "Byelaws as to wires &c. connected with wireless installations" and "Building byelaws."

Courts &c.  
to be paved.

52.—(1) The Corporation may require the owner or owners of any open ground attached to a tenement or of any court passage or area used in common by the occupiers of any tenement or by any eight or more occupiers to flag asphalt concrete or pave such 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 asphaltting concreting or paving and drain in good repair all to the satisfaction of the Corporation.



(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 apportioned and certified by the city engineer and be recoverable by the Corporation as a debt from the owner or owners in default.

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(3) Any person aggrieved by any notice of the Corporation under this section may appeal to the sheriff within fourteen days after the giving 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 and to award expenses such expenses to be recoverable as a debt.

53.—(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.

Refuges &c.  
in streets.

(2) The Corporation may from time to time provide maintain alter and remove in any public street 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.

54.—(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.

Permission  
for minor  
operations  
or erections  
on or under  
streets.

(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 cellars vaults arches chambers or other excavations

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A.D. 1927. 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 of the Corporation interfere with any sewer or drain or underground pipes or ways or communicate with any sewer or drain.

(4) All such constructions or operations shall be carried out at the sight and to the satisfaction of the city engineer and in the event of the city engineer 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 engineer 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 certified by the city engineer and 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 engineer failing which the city engineer may do so at the expense of such owner certified and recoverable 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 engineer may cause the same to be temporarily fenced guarded or repaired 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. A.D. 1927.

55. 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 engineer 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 nine months from and after the date when notice has been given to the city engineer 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 engineer shall be recoverable by the Corporation as a debt from the person in default. Restoration of street where openings made.

56.—(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 daily newspaper or newspapers published and circulating in the city shut up permanently discontinue and close any public street or right of way or any portion of a public street or right of way which has from change of circumstances or otherwise become useless to the public or dangerous to foot passengers or may by resolution or order as aforesaid consent to the shutting up and closing Closing streets &c.

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A.D. 1927. of the same on such terms and conditions as may be  
— arranged with the owner of the solum thereof.

(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 daily 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 to the sheriff against such resolution or order provided that he gives reasonable 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 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. A.D. 1927.

(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.

#### PRIVATE STREETS.

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

(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.

58. 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. Temporary repairs on private streets.

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

A.D. 1927. — 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 gross yearly rent or value therein of each such owner. Provided always that where any lands and heritages fronting or abutting on such private street are unfeued or unbuilt on no charge shall be made against the owner thereof in respect of works of a temporary character executed while the said lands are unfeued or unbuilt on.

(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 heritages and premises (whether fronting or abutting on such street or any part thereof or not) the owners of which shall be liable for such costs charges and expenses and the proportion leviable 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.

Order  
authorising  
laying out  
of new  
street.

60.—(1) Every notice of intention to make or lay out any new street given to the Corporation under the provisions of the Dundee Corporation Acts and Orders or any of them shall be considered and disposed of by the Corporation without any unnecessary delay.

(2) 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 and of the Dundee Corporation Acts and Orders 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) 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;
- (b) 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.

Provided that where prior to the commencement of this Order the Corporation have approved or under their Acts or Orders are deemed to have approved of the plans and sections of a new street such approval shall remain in full force and effect notwithstanding anything contained in this Order.

(3) 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

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A.D. 1927. — 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. The amount of any compensation 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.

Notice  
before com-  
mencement  
of opera-  
tions.

61. 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 engineer not less 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.

As to  
expenses of  
laying out  
streets in  
certain  
cases.

62.—(1) A railway company shall be deemed not to be an owner or occupier for the purposes of the Dundee Corporation Acts 1871 to 1927 in respect of any land acquired or used by the said company under or in pursuance of their statutory powers (a) upon which any street not being a public street shall wholly or partially front adjoin or abut and (b) which shall at the time of the laying out of such street be used by the said company solely as a part of their lines of railway or sidings stations or works and shall have no direct communication with such street.

(2) The expenses incurred by the Corporation under the powers of the said Acts which but for this provision the said company would be liable to pay shall be borne by the Corporation.

(3) In the event of the said company subsequently making a communication with such street they shall repay to the Corporation the expenses which but for



the foregoing provision the said company would in the first instance have been liable to pay. A.D. 1927.

(4) This section shall not apply to any street existing at the commencement of this Order.

#### WIDTH OF STREETS.

63. 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) 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 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 fifty 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

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owner if he makes a claim within twelve months after such construction shall be entitled to compensation in respect of any loss or damage sustained by him by or in consequence of such street being constructed of a greater width than fifty 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.

64. 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 :
- (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 :
- (3) In the event of the owner failing to begin to lay out such street to its full extent as aforesaid within three months from the date of the notice calling for the same and 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 engineer shall be recoverable by the Corporation as a debt from the owner in default.

WATERCOURSES STREAMS &C.

A.D. 1927.

65.—(1) If any stream watercourse or ditch situated upon land built upon or laid out for building or on which any land laid out for building abuts other than any ditch along the side of a road requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner in the case of land built upon forthwith and in other cases before any building operations are begun or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for the stream watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water through the same.

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

(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.

(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 land built upon or laid out for building without the consent of that person or prejudicially to affect the rights of any person not being the owner of land so built upon or laid out.

66.—(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.

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(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.

Repair and  
cleansing of  
culverts.

67. 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 city engineer shall be recoverable by the Corporation as a debt from the owner or occupier in default.

Watercourse  
choked up  
to be a  
nuisance  
under Public  
Health Acts.

68. 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 (Scotland) Act 1897 and Acts amending or extending the same 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.

In default  
of owners  
&c. Corpo-  
ration may  
execute  
works.

69. 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 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 always that if more than one owner or occupier shall be liable therefor the amount shall be apportioned among them rateably according to the gross yearly rent or yearly value of their respective properties as entered in the valuation roll. A.D. 1927.

70. 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 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. For preventing soil and sand being washed into streets.

71. In the cases (1) of any internal alteration of the structure of a building which the city engineer shall consider to be of a minor and unimportant character and (2) of the erection of water-closets and other offices though proposed to be erected externally the city engineer shall if and during such period as the Corporation grant him authority have power on written application being made to him to grant permission to the owner to proceed with the same without further authority and in such a case it shall not be necessary for the owner to obtain warrant therefor from the Corporation but in every such case the operations shall be carried out to the satisfaction of the city engineer who shall keep a record of such applications and of the permission granted and the conditions thereof and in each case report the same to the next meeting of the Corporation. City engineer may give warrant for minor alterations.

72.—(1) Nothing contained in the sections of this Order the marginal notes of which are respectively "Space about buildings" "Height of boundary wall or Saving for railway companies.

A.D. 1927. — fence abutting on public thoroughfare” “Strength of buildings” “Height of fences and hedges at street corners” “Attachment of brackets to buildings” and “Building byelaws” shall apply to any property (other than dwelling-houses) occupied used or held by a railway company for the purposes of their railway without the consent of the railway company.

(2) Nothing contained in the sections of this Order the marginal notes of which are respectively “Parking places for vehicles” “Refuges &c. in streets” and “Permission for minor operations or erections on or under streets” shall empower the Corporation to interfere with the accesses for vehicular or pedestrian traffic to or from any station or depôt of any railway company.

(3) Nothing contained in the sections 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 watercourse and ditch or to any culvert or covering constructed or to be constructed by a railway company under any statutory power.

Further saving for railway companies.

73. It shall not be necessary for any railway company to obtain from the Corporation or the dean of guild court a warrant for any building or the alteration thereof used or to be used for the purposes of their railway unless—

- (1) such building fronts or abuts upon any street;
- (2) such building is a dwelling-house hotel or restaurant.

## PART VI.

### GAS.

As to deficient supply of gas to buildings.

74. In the event of any occupier of any buildings erected prior to the year 1907 within the limits of the gas supply of the Corporation complaining of a deficient supply of gas and the Corporation after investigation being satisfied that the complaint is well founded the Corporation may after giving twenty-one days’ notice to the owner of their intentions enter upon the buildings

in respect of which the complaint is received with or without the consent of the owner for the purpose of renewing or enlarging the gas pipes from the gas main to the meter of such buildings which work shall be carried out free of cost to the owner but the Corporation shall not be obliged to make the said renewal or enlargement unless and until the owner undertakes to enlarge or renew to the satisfaction of the Corporation that portion of the private pipe for conveying the gas from the meter to the lighting burner. Provided that in the event of the owner refusing or delaying to undertake to renew or enlarge the private piping from the meter to the lighting burner after having received notice in writing from the Corporation calling upon him to do so the Corporation shall have power to enter upon the said buildings with or without the consent of the owner for the purpose of renewing or enlarging the piping from the main to the meter and charge the owner with the full expense thereof such expense to be certified under the hand of the gas engineer and to be recoverable by the Corporation from the owner as a debt reserving to the Corporation without prejudice to the foregoing powers all their existing powers under the Gas Acts :

A.D. 1927.

Provided further that nothing in this section shall apply to any piping on the premises (other than a dwelling-house) of a railway company nor shall the powers of this section be exerciseable in respect of such premises.

## PART VII.

### BORROWING OF MONEY AND RATES AND ASSESSMENTS.

75. Section 45 (Repeal of part of borrowing powers under Order of 1921) of the Order of 1925 so far as it confers power to borrow the sum of fifty-eight thousand pounds is hereby repealed and the power to borrow therein referred to is hereby restricted to a power to borrow the sum of twelve thousand pounds.

Repeal of section 45 of Order of 1925.

76.—(1) The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or raise) borrow or raise for the several purposes of this Order sums not exceeding the amounts hereinafter

Power to borrow or raise additional moneys.

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A.D. 1927. mentioned for the respective purposes following (that is to say) :—

- (a) In respect of the provision of omnibuses by this Order authorised the sum of twenty-five thousand pounds;
- (b) In respect of the purchase of lands and properties and the construction of the street and other works by this Order authorised the sum of forty-four thousand five hundred pounds;
- (c) In respect of the provision of plant for dealing with waste materials in the slaughter-houses the sum of three thousand pounds;
- (d) In respect of the costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto such sum as may be necessary.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Part of this Order prescribed or out of the proceeds of the sale of lands or other moneys received by them on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original advance and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Certain provisions of former Act and Order as to borrowing to apply.

77. Part V (Estimates and assessments) and Part XXXVII (Borrowing and raising of money) of the Act of 1882 and the provisions of the Order of 1926 shall except as otherwise by this Order provided extend and apply to this Order in the same way and to the same effect as if the purposes of this Order were purposes of the said Act and Order :

Provided that section 321 (Repayment of money borrowed other than that due now by instalments of sinking fund in sixty years) of the Act of 1882 in its



application to all moneys to be borrowed or raised under the powers of this Order for the provision and running of omnibuses shall be read and have effect as if the period of repayment thereof were eight years from the borrowing or raising thereof instead of sixty years as mentioned in the said section. Provided further that such section in its application to all moneys to be borrowed or raised under the powers of this Order for slaughterhouse plant shall be read and have effect as if the period of repayment thereof were twenty years from the borrowing or raising thereof instead of sixty years as mentioned in the said section.

A.D. 1927.

78.—(1) For the purpose of providing temporarily for the current expenses between the commencement of any financial year and the date when any assessment for that year is received it shall be lawful for the Corporation to raise temporarily by the issue and renewal of Dundee Corporation promissory notes any money which the Corporation are or may be authorised to borrow for current expenses provided that the total sum of such promissory notes which shall be issued by the Corporation and outstanding shall not at any time exceed the sum of one hundred and fifty thousand pounds except promissory notes issued in order to pay off other promissory notes matured :

Power to borrow on promissory notes.

Provided always that the money so borrowed shall be repaid not later than nine months after the borrowing out of the revenue raised by the assessment or assessments of such year and that no promissory note shall be issued during the last three months of the financial year. A register of the promissory notes shall be kept by the registrar and such register shall show the amount of each promissory note the names of the persons by whom it is signed the date of issue the date when the same falls due and the date of payment.

(2) The Corporation shall from time to time make regulations with respect to the form preparation mode of issue and signing and of payment discharge and cancellation of promissory notes issued or renewed under the powers of this section.

(3) Moneys borrowed by Dundee Corporation promissory notes shall have the same charge and security as stock issued under the Order of 1926.

A.D. 1927.

(4) Each promissory note shall be for the amount directed by the Corporation not being less than five hundred pounds.

(5) The amount of money received by the Corporation in respect of a promissory note shall be deemed to be principal money raised by means of such promissory note and the difference between the amount payable in respect of a promissory note and the amount received in respect thereof shall be deemed to be interest on the principal money so raised.

Reserve  
funds.

79.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):—

- (a) the water undertaking;
- (b) the gas undertaking;
- (c) the omnibus undertaking;

by setting aside from the revenues of the respective undertakings and investing such an amount as they may from time to time think reasonable in any securities in which they are authorised to invest sums paid into any sinking fund and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking. Provided that the reserve fund in respect of the omnibus undertaking shall not exceed a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Corporation upon the omnibus undertaking.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the commencement of this Order shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum

and so from time to time as often as such reduction happens. A.D. 1927.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

80.—(1) Section 34 (Exemptions from assessments) of the Act of 1882 shall from and after Whitsunday 1925 be read and have effect as if the words “or of education” were omitted therefrom. Provided that the Corporation shall not impose levy or recover assessments in respect of the property within the city belonging for the time being to University College Dundee the University Court of the University of St. Andrews the Trustees of the Dundee Technical College and School of Art or the National Committee for the Training of Teachers but this exemption shall not extend to occupiers rates on property which is let by any of the foregoing bodies to a person who is not in the employment of the owning body. Amendment  
of section 34  
of Act of  
1882.

(2) Section 49 (Amendment of section 34 of Act of 1882) of the Order of 1925 is hereby repealed.

## PART VIII.

### MISCELLANEOUS.

81.—(1) The Corporation may provide at the slaughter-houses in the city the necessary plant and accommodation for the manufacture and turning to account of all or any of the waste products obtained or resulting from the slaughter-houses and may make such arrangements as they deem necessary for the disposal and sale of the commodities resulting from such manufacture and turning to account of such waste products. Power to  
deal with  
residual  
products  
from  
slaughter-  
houses.

(2) The Corporation shall from time to time by byelaws made and confirmed in the manner provided for the making of regulations and byelaws in connection with the licensing and inspection of slaughter-houses make such regulations for the collection use and distribution of any waste products arising in or from the slaughter-houses within the city as they may deem necessary.

(3) The interest and contribution to sinking fund in respect of all money borrowed or raised or to be borrowed or raised for or in respect of such plant and dealing with

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A.D. 1927. — waste products shall be paid by the Corporation out of the revenues of the slaughter-houses Any deficit or surplus arising from the manufacture and turning to account of such waste products shall be carried to the debit or credit of the slaughter-houses account If at any time the revenues of the slaughter-houses shall prove insufficient to meet the whole of the interest and sinking fund then the deficiency or deficiencies shall be made good out of the assessment for general police purposes.

(4) The Corporation shall keep separate accounts of their receipts and expenditure in respect of their dealing with and manufacture and sale of waste products in connection with their slaughter-houses.

Apportionment of receipts and payments between separate accounts.

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

Appointment of auditor.

83.—(1) A Secretary of State shall after consultation with the Corporation appoint an auditor being a chartered accountant or a member of the Society of Incorporated Accountants and Auditors practising in Dundee for the purpose of auditing the accounts for the local financial year ending fifteenth May one thousand nine hundred and twenty-nine and subsequent years and if during his tenure of office the office of auditor shall from any cause become vacant a Secretary of State shall after consultation with the Corporation appoint an auditor to supply such vacancy for the remainder of the period for which the auditor vacating his office was appointed.

(2) Section 52 (Appointment of auditor) of the Dundee Boundaries Act 1913; and

Section 62 (Application of provisions of Dundee Boundaries Act 1913 to water undertaking) of the Order of 1926 are hereby repealed.

Tenure of office.

84. Every auditor (except an auditor appointed to supply a casual vacancy) shall be appointed to hold office for five years from the date of his appointment and at the end of that period shall be held to have vacated his office but a Secretary of State may upon sufficient cause shown and after consultation with the Corporation remove

any auditor from his office within the said period of five years. A.D. 1927.

85. Any auditor shall on the expiry of his term of office be eligible for re-appointment. Re-appoint-  
ment of  
auditor.

86. The fee to be paid to the auditor shall in the event of any dispute between the Corporation and the auditor be fixed by a Secretary of State on the application of either party. Fee to  
auditor.

87. Every auditor shall hold his office and perform the duties thereof subject to such terms conditions and instructions as the Corporation may with the approval of a Secretary of State prescribe and the Corporation shall submit the accounts together with their books and the proper vouchers in support of the same to the auditor and shall give him every reasonable facility for carrying out the audit. Conditions  
of appoint-  
ment of  
auditor.

88. The yearly accounts as the same shall have been audited together with the auditor's confirmation thereof and special report thereon if any shall be laid before a meeting of the Corporation to be held not later than the fifteenth day of October in each year and the accounts shall if and as approved by the Corporation be signed by the lord provost or preses of such meeting the treasurer of the city and the town clerk and shall be deposited with the city chamberlain. Accounts  
to be laid  
before Cor-  
poration.

89. The Corporation shall forthwith after the accounts have been deposited with the city chamberlain— Accounts  
to be open  
for inspec-  
tion.

- (a) cause the accounts or abstract thereof together with the auditor's confirmation thereof and special report thereon if any to be printed;
- (b) permit any elector to inspect and examine the accounts together with the auditor's confirmation thereof and special report thereon if any at all reasonable times without payment of any fee or reward for such inspection; and
- (c) transmit to a Secretary of State and on the demand of any elector and on payment of such fee as the Corporation may fix not exceeding two shillings and sixpence deliver to such elector an abstract of the accounts and the auditor's confirmation thereof and special report thereon if any as printed.

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Elector may  
complain to  
sheriff.

90. Any elector who shall be dissatisfied with any of the accounts or any item therein may not later than the thirty-first day of December complain against the same by petition to the sheriff specifying the grounds of objection and the sheriff shall hear and determine the matter of complaint and his decision shall be subject to the same right of appeal as in ordinary actions in the sheriff court. Provided always that where the petition is dealt with in the first instance by the sheriff substitute there shall be an appeal to the sheriff.

Insurance  
fund.

91.—(1) The Corporation may if they think fit establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging to or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of tramways omnibuses scavenging vehicles motor cars and motor transport vehicles;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (v) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;
- (vi) Risks of loss due to infidelity of officials of the Corporation;
- (vii) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

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(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide or of continuing any non-statutory fund already in existence in connection with any department of the Corporation.

(3) On the establishment of such insurance fund the funds stock and securities of the gas accident fund and the electricity accident fund shall be transferred to and become part of the insurance fund and shall be subject to the provisions of this section. The whole or any part of the funds stock and securities of the accident funds of any other departments may also at any time in the discretion of the Corporation be transferred to and become part of the insurance fund and on such transfer such funds shall become part of the insurance fund and shall be subject to the provisions of this section.

(4) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide or continued any non-statutory fund already in existence; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance and any sum appropriated to any non-statutory fund be equal to the aggregate amount aforesaid.

(5) When the insurance fund shall amount to one hundred and fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced

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A.D. 1927. below one hundred and fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (4) of this section until the fund be restored to the sum of one hundred and fifty thousand pounds.

(6) The Corporation shall provide the yearly payments aforesaid by contributions from the assessment for general police purposes and other assessments and any of the undertakings and the common good of the Corporation and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(7) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be required to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Order) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of an assessment payable equally by owner and occupier.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of a Secretary of State borrow at interest under and subject to the provisions of this Order such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and



the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the assessment for general police purposes or other assessment or out of the revenue of such undertaking of the Corporation as is liable and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportion as a Secretary of State may direct having regard to the risks through which such deficiencies arise.

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(9) Section 23 (Insurance fund may be created) of the Dundee Corporation Act 1897 and section 33 (Accident funds) of the Dundee Gas Commissioners Order 1910 are hereby repealed.

92.—(1) The boundaries of wards third and seventh shall from and after the commencement of this Order be as in the descriptions set out in the schedule to this Order.

Alteration  
of ward  
boundaries.

(2) The members of the Corporation presently representing wards third and seventh shall continue to represent the same as altered subject to the provisions of the statutes regulating the election of councillors and the order of their retirement shall not be affected.

93. The provisions of the Town Councils (Scotland) Acts 1900 and 1903 so far as the same apply to the existing city and of all other public statutes amending the same and regarding the election of town councillors in burghs divided into wards or districts in so far as still in force and the Dundee Police and Improvement Act 1871 so far as still in force shall subject to the provisions of this Order apply to the elections in and to the wards presently existing notwithstanding the alteration on the third and seventh wards of the existing city effected by this Order and to the election qualification continuance in office declination and retirement of councillors and to the resignation of councillors and to supplying vacancies in the council by death disability resignation or other causes or otherwise as if the wards presently existing as altered by this Order had been the wards or districts into which the city was divided under and by virtue of the said Acts of 1900 and 1903 and as if the number of councillors fixed under the said Act of 1871 had been the number fixed in or by virtue of the said Acts of 1900 and 1903.

Provisions  
of general  
Acts as to  
municipal  
elections to  
apply to  
altered  
wards.

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Application  
of section 19  
of Town  
Councils  
(Scotland)  
Act 1900.

94. The following provisions of the Town Councils (Scotland) Act 1900 shall from and after the commencement of this Order apply and have effect in the city viz. :—

Section 19 (Division and re-division into wards) except the first proviso to that section.

Power to  
subscribe  
to hospitals  
&c. and pay  
expenses of  
public  
ceremonies.

95.—(1) The Corporation may out of the assessment for general police purposes :—

(a) Pay reasonable subscriptions whether annually or otherwise not exceeding in the whole five hundred pounds in any one year to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said association or any of them and of purchasing reports and contributing towards the expenses of any such conferences or meetings;

(b) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the city and on the conferring of the freedom of the city on any persons and in providing suitable addresses and gifts on such occasions;

(c) Pay—

(i) reasonable subscriptions whether annually or otherwise not exceeding in the whole five hundred pounds in any one year to the funds of any hospital infirmary nursing institution society for benefit of boys girls men women soldiers and sailors or other institute of a similar character or of any home which is established in the city for the care of boys and girls and which is mainly supported by voluntary subscriptions; and

(ii) reasonable subscriptions not exceeding A.D. 1927.  
in the whole one hundred pounds in any  
one year in aid of local units of the territorial  
forces rifle clubs and other institutions estab-  
lished in or connected with the city for  
the purposes of rendering national or public  
services :

Provided that the sums by virtue of this  
subsection paid out of the said rate shall  
not in any one year exceed the produce of  
one halfpenny in the pound.

(2) The Corporation may supply water gas and  
electricity at such reduced charges as they may think  
fit to hospitals infirmaries and other premises solely  
occupied for the purposes of public charity.

96.—(1) If it should appear to the Corporation Power to  
that by reason of any injury to or defect in any Corporation  
communication pipe which is situate in a street and to repair  
which communication pipe the Corporation are not communi-  
under obligation to maintain any waste of water or cation pipes.  
injury or risk of injury to person or property is caused  
or likely to be caused it shall be lawful for the  
Corporation subject to the provisions of the Waterworks  
Clauses Act 1847 with regard to the breaking up of  
streets for the purpose of laying pipes to execute such  
repairs as may be necessary or expedient in the  
circumstances of the case without being requested  
so to do and the expense incurred by the Corporation  
in executing such repairs shall be recoverable by the  
Corporation from the owner of the premises supplied  
or in cases where the communication pipe is repairable  
by the occupier of such premises from the occupier.

(2) Nothing in this section shall apply to any  
communication pipe where laid in the property of  
any railway company nor shall the powers of this  
section be exerciseable in respect of premises owned  
by any railway company.

97. Subject to the provisions of this Order the As to fines  
provisions of the Act of 1882 and the Acts incorporated penalties  
therewith with reference to the recovery of fines and for-  
penalties and forfeitures imposed or authorised to be feitures and  
imposed by that Act shall be and are hereby made recovery  
applicable to the recovery of all fines penalties and thereof.

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A.D. 1927. forfeitures imposed or authorised to be imposed by  
— or under the provisions of this Order.

Crown  
rights.

98. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of 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.

Saving  
saving pro-  
visions in  
Act of 1882.

99. Nothing contained in this Order shall alter prejudice or affect the saving provisions contained in sections 330 (Saving rights of the Crown) 331 (Saving rights under Crown Lands Act) and 333 (Saving rights of magistrates and town council of Dundee) of the Act of 1882 but such saving provisions shall apply to this Order and for the purposes thereof.

Saving of  
provisions  
of local  
Acts of 1907  
1913 and  
1914.

100. Nothing in this Order shall supersede prejudice or affect the provisions of sections 104 105 106 and 108 of the Dundee Corporation Order 1907 the provisions of subsection (1) of section 45 of the Dundee Boundaries Act 1913 and the provisions of subsection (1) of section 11 and of sections 21 35 36 and 37 of the Order of 1914.

For protec-  
tion of  
Dundee  
Harbour  
Trustees

101.—(1) The provisions of the sections of this Order of which the marginal notes are—

“ Power to make street works ” ;

“ Application of sections of Improvements and  
Tramways Act 1913 ” ;

“ Height of buildings ” ;

“ Space about buildings ” ;

“ Open space to be free from erections ” ;

“ Height of boundary wall or fence abutting on  
public thoroughfare ” ;

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- “Strength of buildings”;
- “Chimney stalks roofs &c. to be repaired and secured”;
- “Parking places for vehicles”;
- “Lopping of overhanging trees hedges &c.”;
- “Height of fences and hedges at street corners”;
- “Building byelaws”;
- “Permission for minor operations or erections on or under streets”;
- “Restoration of street where openings made”;
- “Closing streets &c.”;
- “Control and maintenance of private streets”;
- “Temporary repairs on private streets”;
- “Expenses of works on private streets”;
- “Order authorising laying out of new street”;
- “Notice before commencement of operations”;
- “Width of streets”;
- “Preliminary lay-out of streets”;
- “Power to require covering in of watercourses and ditches”;
- “Streams not to be culverted or covered over except in accordance with plans”;
- “Repair and cleansing of culverts”;
- “Watercourse choked up to be a nuisance under Public Health Acts”;
- “In default of owners &c. Corporation may execute works”;
- “For preventing soil and sand being washed into streets”;
- “City engineer may give warrant for minor alterations”;
- “As to deficient supply of gas to buildings”; and
- “Power to Corporation to repair communication pipes”;

shall not apply to the trustees of the harbour of Dundee.

(2) Nothing contained in this Order or in any Act incorporated in whole or in part with this Order shall repeal alter diminish or affect any rights interests titles dues powers jurisdictions immunities privileges exemptions and authorities of the trustees of the harbour of Dundee secured under any statutes of and relating to the trustees and their harbour undertaking or under any of the Acts public local or private relating to the Corporation.

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Appeal.

102. Any person aggrieved by any order deliverance notice or requisition under the sections of this Order the marginal notes whereof are "Expenses of works on private streets" "Order authorising laying out of new street" and "As to deficient supply of gas to buildings" or any of them may appeal to the sheriff by lodging with the sheriff clerk 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 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.

Costs of  
Order.

103. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid as to three-fifth parts thereof by the Corporation in their capacity as police commissioners and as to the remaining two-fifth parts thereof out of the funds of the various undertakings of the Corporation in such proportions as the Corporation may decide Any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the commencement of this Order.

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### SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Alteration of ward boundaries").

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#### WARD THIRD.

Commencing on the road from Dundee to Coupar Angus commonly called the Lochee Road at a point thereon opposite Lawsteps and from thence running along said Lawsteps to Lawside Road and from thence northward along said Lawside Road to Loons Road and from thence eastward along said Loons Road to Alpin Road and thence northward along said Alpin Road to Strathmore Avenue thence eastward along said Strathmore Avenue to Johnston Avenue thence along said

Johnston Avenue to Clepington Road and from thence north-westward along said Clepington Road to King's Cross and from thence westward along the northern boundary of the city to its north-west point and from thence southward along the western boundary of the city to a point in said western boundary straight west from the western termination of the road south of Hillhead Farm Steading and from thence eastward to and along said road to its junction with the northern approach to Balgay Park thence northward and eastward along said northern approach to its junction with Ancrum Road and from thence eastward along said Ancrum Road to opposite Gibb's Lane and from thence in a straight line south-eastward to the point in said Lochee Road where it commenced.

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#### WARD SEVENTH.

Commencing in Dudhope Terrace where Inverlaw Place leads off said Dudhope Terrace and thence eastward along the northern boundary of Ward Sixth to its junction at Hilltown with the western boundary of Ward Fifth thence northward along the western boundary of said Ward Fifth to the north-eastern boundary of the city and from thence westward northward north-westward and westward again along said boundary of the city to a point in Strathmartine Road inside the line of the north side of the road between the properties known respectively as Bracken Bruach and Roineach Mhor thence westward along the north side of the said road to the south-west corner of the said property known as Bracken Bruach and thence southward along the western boundary of the city to King's Cross and from thence eastward along the north-eastern boundary of Ward Third to Johnston Avenue and thence southward along said Johnston Avenue to Strathmore Avenue and from thence westward along said Strathmore Avenue to Alpin Road and thence southward along said Alpin Road to Loons Road thence westward along said Loons Road to Lawside Road and from thence southward along said Lawside Road to Albany Terrace and from thence eastward along said Albany Terrace to Inverlaw Place and from thence southward along said Inverlaw Place to the point in Dudhope Terrace where it commenced.

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