

**CHAPTER vii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation. A.D. 1932.

[25th April 1932.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has 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 is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Edinburgh Corporation Order Confirmation Act 1932. Short title.

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SCHEDULE.

EDINBURGH CORPORATION.

Provisional Order to consolidate with amendments the Acts and Orders of or relating to the transport and gas undertakings of the Corporation of the city and royal burgh of Edinburgh and the borrowing rating and assessing powers of the Corporation to confer further powers upon the Corporation in respect of these matters to transfer to the Corporation part of the tramway undertaking of the Musselburgh and District Electric Light and Traction Company Limited to make further provision for the local government and improvement of the city to make provision with reference to the registration districts of the city under the Registration of Births Deaths and Marriages (Scotland) Acts and for other purposes.

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

And whereas the Corporation are the owners of and work tramways within the city and are the owners of and run public service vehicles also within the city :

And whereas it is expedient that the Musselburgh and District Electric Light and Traction Company Limited should be authorised to sell and the Corporation authorised to purchase part of the tramway undertaking of the said company as hereinafter in this Order provided :

And whereas the Corporation are the owners of and vested in the gas undertaking of the city :

And whereas the Acts and Orders relating to the transport and gas undertakings and to the borrowing rating and assessing powers of the Corporation are very numerous and many of their provisions have been

superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments and additions into one Order : A.D. 1932.

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

And whereas it is expedient to make further and better provision with reference to the local government and improvement of the city and that the powers of the Corporation with regard thereto should be enlarged as hereinafter in this Order provided :

And whereas it is expedient to make provision with reference to the registration districts of the city under the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1910 as hereinafter in this Order provided :

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

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

PART I.

PRELIMINARY.

1. This Order may be cited as the Edinburgh Corporation Order 1932 and the Edinburgh Municipal and Police Acts 1879 to 1930 and this Order and any other Order of the Secretary of State relating to the Corporation confirmed during the present session of Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 may be cited as the Edinburgh Municipal and Police Acts 1879 to 1932. Short and collective] titles.

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Division of
Order into
Parts.

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

Part I.—Preliminary.

Part II.—Transport.

Part III.—Gas.

Part IV.—Finance and assessments.

Part V.—Town planning.

Part VI.—Miscellaneous.

Commence-
ment of
Order.

3. This Order shall (except as otherwise hereinafter provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Interpre-
tation.

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

“Act of 1879” means the Edinburgh Municipal and Police Act 1879;

“Act of 1888” means the Edinburgh and Leith Corporations Gas Act 1888;

“Act of 1889” means the Water of Leith Purification and Sewerage Act 1889;

“Act of 1898” means the Edinburgh and Leith Corporations Gas Act 1898;

“Act of 1920” means the Edinburgh Boundaries Extension and Tramways Act 1920;

“Authorised tramways” means the tramways authorised by the Edinburgh Corporation Order 1927 the construction of which has not been completed prior to the commencement of this Order and which are described in Part II of the First Schedule to this Order;

“Bank” means any bank in Scotland established by or in pursuance of the powers contained in any Act of Parliament or Royal Charter and
“banker” means an official of any such bank;

“Burgh assessments” means the burgh assessments imposed and levied by the Corporation under the Edinburgh Municipal and Police Acts and does not include water rates;

- “ Burgh assessor ” means the assessor for the time being appointed by the Corporation under and for the purposes of the Acts in force for the time being relating to the valuation of lands and heritages ;
- “ City ” means the city and royal burgh of Edinburgh ;
- “ City chamberlain ” means the officer of the Corporation acting as city chamberlain or chief financial officer for the time being ;
- “ City collector ” means and includes the collector for the time being appointed by the Corporation for the collection of assessments under the Edinburgh Municipal and Police Acts and such other officer or officers as the Corporation may from time to time appoint to collect such assessments ;
- “ Corporation ” means the lord provost magistrates and council of the city ;
- “ Dock Commission ” means the commissioners for the harbour and docks of Leith ;
- “ Edinburgh Municipal and Police Acts ” means the Edinburgh Municipal and Police Acts 1879 to 1930 and this Order and any other Order of the Secretary of State relating to the Corporation confirmed during the present session of Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 ;
- “ Engine ” includes motor ;
- “ Extension Act of 1896 ” means the Edinburgh Extension Act 1896 ;
- “ Funds rates and revenues ” means the whole funds rates and revenues of the Corporation other than the common good of the city and the revenues thereof ;
- “ Gas undertaking ” and “ gasworks ” mean respectively the gas undertaking and the gasworks of the Corporation and include the gasworks and works connected therewith and any improvements and enlargements thereof which the Corporation may construct under the powers of this Order and all lands properties works

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- buildings machinery plant apparatus appliances
servitudes rights powers and privileges for the
time being belonging to or held used or enjoyed
by the Corporation for or in connection with
gasworks or the manufacture storage or distri-
bution and supply of gas and residual products;
- “Lands and heritages” and “lands or heritages”
mean lands and heritages as defined in the Acts
in force for the time being relating to the
valuation of lands and heritages;
- “Lord provost” means the lord provost of the
city;
- “Magistrates” means the lord provost and bailies
of the city;
- “Mechanical power” means electrical or any other
motive power not being animal power;
- “Musselburgh tramways” means the tramways
presently belonging to the Musselburgh and
District Electric Light and Traction Company
Limited which are described in Part III of the
First Schedule to this Order;
- “Order of 1903” means the Edinburgh Corporation
(Markets Slaughter-houses &c.) Order 1903;
- “Order of 1921” means the Edinburgh Corporation
Order 1921;
- “Order of 1927” means the Edinburgh Corporation
Order 1927;
- “Order of 1930” means the Edinburgh Corporation
Order 1930;
- “Owner” means and shall include joint owner
fiar life-renter feuar bondholder in possession or
other person in the actual possession or receipt
of the rents of lands and heritages of every
tenure or description and the factor agent or
commissioner of such persons or any of them or
any other person who shall intromit with or draw
the rents;
- “Public service vehicles” has the same meaning
as in the Road Traffic Act 1930;
- “Public utility undertakings” means the gas under-
taking the water undertaking the tramway
undertaking and the electricity undertaking of
the Corporation;

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

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“ Statutory borrowing power ” means any power of borrowing or continuing on loan or reborrowing money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed ;

“ Stock Act of 1894 ” means the Edinburgh Corporation Stock Act 1894 ;

“ Streets Order of 1926 ” means the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 ;

“ Town clerk ” means the town clerk of the city for the time being ;

“ The tramways ” means the existing tramways described in Part I of the First Schedule to this Order the authorised tramways and any tramways or tramroads from time to time belonging to or authorised to be constructed by the Corporation whether within or beyond the city ;

“ Tramway undertaking ” means the tramway undertaking of the Corporation and includes the tramways and all tramcars and public service vehicles for the time being belonging to the Corporation and all lands properties works buildings machinery plant apparatus appliances servitudes rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the said tramways tramcars or public service vehicles ;

“ Valuation roll ” means the valuation roll made up in pursuance of the Acts in force for the time

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being relating to the valuation of lands and heritages and any supplementary valuation roll made up in accordance with the said Acts and the Edinburgh Municipal and Police Acts;

“ Water Order of 1924 ” means the Edinburgh Corporation Water Order 1924;

“ Water rates rents and charges ” means the rates rents and charges leviable under the Water Order of 1924;

“ Water undertaking ” means the water undertaking of the Corporation as defined in the Water Order of 1924.

And the words and expressions defined in the Edinburgh Municipal and Police Acts 1879 to 1930 or the Edinburgh Corporation Water Order 1924 shall if and when used in this Order and when not inconsistent with the above definitions or with any of the provisions of this Order respectively have the same respective meanings as in the said Acts and Order.

Incorporation
of Acts.

5. The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not inconsistent with this Order are hereby (except where expressly varied by this Order) incorporated with this Order :—

The Lands Clauses Acts;

Section 3 (Interpretation of terms) Part II (Construction of tramways) and Part III (General provisions) of the Tramways Act 1870 except section 43 (Future purchase of undertaking by local authority) and section 48 (Power to local authority to license drivers conductors &c.);

The Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 (relating to accounts) Provided that section 13 (relating to contracts) of that Act shall be read and have effect as if (1) that section applied to a supply of gas for any purpose (2) the words “ or any premises ” were inserted after the words “ private building ” and

(3) the words " Provided also that every such A.D. 1932.
" contract entered into by the Corporation shall
" be alike in terms and amount to all con-
" sumers of gas supplied in like circumstances
" and for the same purposes " were added at
the end of that section; and

The Gasworks Clauses Act 1871 except section 6
(relating to the sale of superfluous lands) section
8 (relating to appointment of a receiver) and
section 35 (relating to accounts).

For the purposes of the Acts wholly or partly incor-
porated herewith this Order shall be deemed to be
" the special Act " and the Corporation shall be deemed
to be " the undertakers " within the meaning of any such
Acts.

PART II.

TRANSPORT.

6. The tramway undertaking as it exists at the Tramway
commencement of this Order shall continue vested undertaking
in the Corporation and be held used and enjoyed by to vest in
them subject to the provisions of this Order. Corporation.

7.—(1) The Corporation may make form construct Power to
lay down work use repair maintain and renew the construct
tramways or any of them together with all proper and and recon-
convenient rails plates crossings passing-places posts poles struct tram-
brackets wires sheds depots buildings works appliances ways.
and conveniences in over or under ground connected
therewith or for the purpose thereof and may equip the
same with the necessary plant and rolling stock.

(2) Nothing in this Part of this Order shall authorise
any interference with electric lines and works of any
undertakers under the Electricity (Supply) Acts 1882 to
1928 to which the provisions of section 15 of the Electric
Lighting Act 1882 apply except in accordance with and
subject to the provisions of that section.

(3) Nothing in this Part of this Order shall empower
the Corporation to create or permit a nuisance.

(4) Notwithstanding the repeal by this Order of the
Order of 1927 or any part thereof the authorised tramways
if and when constructed shall be constructed and laid

A.D. 1932. — down in accordance with the plans and sections deposited with reference to the Order of 1927.

Period for completion of authorised tramways.

8. The authorised tramways shall be completed by the twenty-second day of December nineteen hundred and thirty-four and as from that date the powers of the Corporation for executing the same shall cease except as to so much thereof as shall then be completed.

Inspection by Minister of Transport.

9. The authorised tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by an officer appointed by the Minister of Transport.

As to electrical works &c.

10. The Corporation may in under or over the surface of any street or road in which the tramways are situate or in which it may be necessary so to do in order to facilitate the working of the tramways or to connect the same with any generating station construct lay down erect maintain renew and repair cables wires conductors posts tubes boxes and electrical or other apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II of the Tramways Act 1870 and to the provisions of this Order open and break up any such street or road and raise alter remove replace or interfere with any lamp-posts trees letter-boxes cables sewers drains water or gas pipes tubes wires telephonic telegraphic and electric wires posts and apparatus therein or thereunder :

Provided as follows :—

- (1) No posts or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport :
- (2) All posts and apparatus erected by the Corporation under the powers of this Part of this Order shall be of such design as the local authority and road authority may approve and shall be placed in such position as the local authority and road authority may approve :
- (3) The Corporation shall not alter remove or interfere with any Post Office letter-box except with the consent in writing of the Postmaster-General :

- (4) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the tramways with a generating station shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate. A.D. 1932.

11.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Minister of Transport but carriages or trucks adapted to run on railways shall not be run thereon. Gauge of tramways.

(2) In the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage used on the tramways shall exceed seven feet or such other width as may from time to time be prescribed by the Minister of Transport.

12. The rails of the tramways shall be such as the Minister of Transport may approve. Rails of tramways.

13. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall lay before the Minister of Transport a plan showing the proposed mode of constructing laying down or altering any of the tramways or any part thereof and a statement of the materials intended to be used therein and the Corporation shall not commence such construction laying down or alteration until such plan and statement have been approved by the Minister of Transport and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act. Plan of proposed mode of construction.

14.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 Penalty for not maintaining rails and roads.

A.D. 1932. of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Minister of Transport by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the district that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the Minister of Transport may if he thinks fit direct an inspection by an officer to be appointed by him and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Ministry of Transport may be adduced as evidence of the default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Cross-overs to be constructed in certain cases.

15. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Minister of Transport construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

16. Subject to the provisions of this Order the Corporation with the consent of the Minister of Transport may—

- (a) make maintain alter and remove such cross-overs passing-places sidings junctions and other works with reference to any of the tramways as they find necessary or convenient for the efficient working thereof or for forming junctions with other tramways or for providing access to any depots premises or works of the Corporation or to any lands or premises adjoining or near to the street in which any of the tramways is laid;
- (b) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or

interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways; and

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- (c) lay down in any position or alter the position in the road of any of the tramways or any part thereof or as the case may be take up or reconstruct the same in such positions as they may think fit :

Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footway than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footway on either side of the street or road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid except with the consent of the Minister of Transport if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

17. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the road authority be expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Corporation may with the consent of the road authority and subject to such conditions as the road authority may impose discontinue or take up such tramway for such term as may be necessary for the execution of the said work and may construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways.

18. The Corporation may increase the carriageway of any street or road in the city in which any of the tramways is laid or authorised to be laid by reducing the width of the footway or waste on each or either

Corporation may reduce footpaths for constructing tramways.

A.D. 1932. — side of such street or road. Provided that no footway shall be so reduced to such an extent as to be less than six feet in width.

Level of rails.

19. If and whenever after the commencement of this Order any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Sanitary authority to have access to sewers.

20. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

Application of road materials excavated in construction of works.

21. Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Part of this Order from any road under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be necessary in or towards the reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and

disposed of by them in such manner as they may think fit. A.D. 1932.

22. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages. Power to Corporation to work tramways.

23. If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction. Removal of obstructions.

24. The Corporation may supply and use electric power from their generating station for the purpose of working the tramways in the city and may carry the same along the routes of these tramways. Corporation may supply electricity for working of tramways.

25. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):— Motive power on tramways.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Minister of Transport :

(2) The Minister of Transport shall make regulations (in this Order referred to as "the mechanical power regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electrical power :

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Order or of the mechanical power regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not

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exceeding five pounds for every day during which such offence is continued after conviction thereof :

- (4) The Minister of Transport if he is of opinion—
- (a) that the Corporation or such company or person have or has made default in complying with the provisions of this Order or of the mechanical power regulations whether a penalty in respect of such non-compliance has or has not been recovered; or
 - (b) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Minister of Transport may impose and the Corporation or such company or person shall comply with every such order. In every such case the Minister of Transport shall make a special report to Parliament notifying the making of such order.

Byelaws by
Minister of
Transport.

26.—(1) Subject to the provisions of this Order the Minister of Transport may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

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

(2) Any person offending against or committing a breach of any of the byelaws made by the Minister of Transport under the authority of this Order shall be liable to a penalty not exceeding forty shillings. A.D. 1932.

27. Notwithstanding any enactment to the contrary section 46 of the Tramways Act 1870 in its application to the Corporation (as promoters of the tramways) and to the tramways shall be read and construed as if it conferred on the Corporation powers to make and on the Minister of Transport power to allow byelaws or regulations as to the number of passengers to be carried by any tramcar. Byelaws by promoters.

28. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the regulations of the Minister of Transport. Byelaws as to speed.

29. The provisions of sections 26 to 33 inclusive of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of the tramways) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramways. Apparatus used for mechanical power to be deemed part of tramways.

30. The Corporation may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be required for the working of the tramways by mechanical power : Attachment of brackets &c. to buildings &c.

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to the sheriff who shall have power having regard to the character of the structure and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

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- (2) Any consent of an owner and any order of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building wall or bridge 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 provision of this section shall apply and the sheriff shall have the same power as under proviso (1) :
- (3) The owner may require the Corporation temporarily to remove or alter the position of the attachments where necessary during any reconstruction or repair of the building wall or bridge :
- (4) Nothing contained in this section shall authorise the Corporation except by agreement to affix any brackets electric conductors wires or apparatus to any building structure or work vested in or in the occupation of (a) His Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services or (b) any department of His Majesty's Government for public purposes or for the public service.

Use of
electrical
power.

31. The following provisions shall apply to the use of electrical power under this Part of this Order unless such power is entirely contained in and carried along with the carriages (that is to say) :—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes

structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purposes of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus : A.D. 1932.

- (3) The electrical power shall be used only in accordance with the mechanical power regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Corporation shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the mechanical power regulations and in prescribing such means the Minister of Transport shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

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(6) If any difference arises between the Corporation and any other person with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Minister of Transport or at his option by an arbiter to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbiter as the case may be :

(7) The expression " Corporation " in this section includes lessees licensees and any company or person owning working or running carriages over any of the tramways.

For protec-
tion of Post-
master
General.

32.—(1) Notwithstanding anything in this Order contained if any of the works relating to the tramways involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(2) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramway undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the tramway undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which may arise between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration.

(3) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramway undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(4) Before any electric line is laid down or any act or work for working the tramways by electricity is done

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within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which may arise between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration.

(5) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the tramway works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation tramway works or to the working of the tramway undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated or used by or supplied to the Corporation for the purposes of the tramway undertaking enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the mechanical power regulations.

(6) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof.

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

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

(9) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order.

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

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

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

(13) The expression "Corporation" in this section includes lessees licensees and any company or person owning working or running carriages over any of the tramways.

Use of tram-
way posts
by Post-
master-
General.

33.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards

(with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

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- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways ;
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided ;
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section ;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards

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or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided;

- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or

by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants; A.D. 1932.

- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of using or permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

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

(4) In this section the expression "the Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

34. The Corporation may demand and take for every passenger travelling upon the tramways or any part or Passengers' fares.

A.D. 1932. parts thereof including every expense incidental to such conveyance a fare not exceeding three half-pence per mile and in computing the said fare any fraction of a mile shall be deemed a mile.

Cheap fares for labouring classes.

35.—(1) The Corporation shall and they are hereby required to run a proper and sufficient service of tramcars for artisans mechanics and labourers each way every morning and every evening (Sundays and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one half-penny for every mile or fraction of that distance but in no case shall the Corporation be bound to charge a less sum than one penny On Saturdays the Corporation in lieu of running such tramcars after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Minister of Transport that such proper and sufficient service is not provided the Minister of Transport after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to him to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Carriage of parcels and dogs.

36.—(1) The Corporation may if they think fit carry on the tramcars small parcels not exceeding fifty-six pounds in weight and 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 on the tramcars any other goods or animals.

(2) Subject to the provisions of the section of this Order the marginal note whereof is " Passengers' luggage " the Corporation may demand and take for parcels carried on the tramcars rates and charges not exceeding such maximum rates and charges as may from time to time be approved by the Minister of Transport.

Passengers' luggage.

37. Every passenger travelling upon the tramcars may take with him his personal luggage not exceeding

twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage is carried by hand and at the responsibility of the passenger and does not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers. A.D. 1932.
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38. The Corporation shall not take or demand on Sundays or on any public holiday any higher fares or charges on the tramways than those levied by them on ordinary week days. Fares on Sundays and holidays.

39. If at any time after three years from the commencement of this Order or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Minister of Transport by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Minister of Transport may after such inquiry as he thinks fit subject to the maximum charges authorised by this Order by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section. Periodical revision of fares and charges.

40. Notwithstanding the provisions relating to tramways hackney carriages or stage coaches contained in any Act of Parliament (other than an Act relating to inland revenue) or in any byelaw made under any Act of Parliament it shall not be necessary for tramcars or for the drivers motor men or conductors in charge of or using tramcars to be licensed. As to licensing tramcars.

41. For the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (hereinafter in this section for their respective interests called "the railway company") the following provisions shall unless other- For protection of London and North Eastern and London

A.D. 1932. wise agreed between the Corporation and the railway company apply and have effect (that is to say) :—

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Midland and
Scottish
Railway
Companies.

- (1) Subject as after mentioned the Corporation shall not take or acquire by compulsion under the provisions of this Part of this Order any railways lands or property (hereinafter referred to as "the railways") belonging to the railway company or in which the railway company are interested :
- (2) Before commencing any works or operations under the provisions of this Part of this Order affecting the railways or affecting any bridge over or under any of the railways or the abutments or piers thereof or the roadway under or on any such bridge or any road of access to any station of the railway company the Corporation shall submit plans and sections of such works or operations to the railway company for their approval and the said works and operations shall be constructed and carried on in conformity only with such plans and sections and at the sight and to the reasonable satisfaction of the engineer of the railway company and such works shall thereafter be maintained and repaired by the Corporation to the reasonable satisfaction of such engineer Provided that the approval of the railway company shall not be unreasonably withheld and that it shall be deemed to have been given unless the railway company signify their disapproval within twenty-eight days after submission of the said plans and sections Provided also that any expenses which the railway company may reasonably incur for inspection and superintendence of the said works during execution or in connection with the maintenance or repair of these works at any time or in protecting their property during or in connection with the construction maintenance or repair of the said works shall be repaid to them by the Corporation :
- (3) The Corporation shall not in the construction alteration maintenance or use of the tramways and works injure alter or interfere with the structure of any bridge or work on over or

under any of the railways or interfere with the access to any station of the railway company or cause any interruption to or interference with the traffic on any of the railways :

- (4) If in constructing adapting or altering the tramways the Corporation lower the level of any road passing under any railway of the railway company the Corporation shall underpin or otherwise strengthen the bridge carrying the railway over such road and such underpinning or strengthening shall be executed at the sole cost of the Corporation and at the sight and to the reasonable satisfaction of the engineer of the railway company and the Corporation shall pay to the railway company all expenses properly incurred by them in connection with such underpinning or strengthening including the expense of inspectors signalmen watchmen and others and all extra precautions for the safety and working of traffic necessitated by the works or operations of the Corporation :
- (5) Subject to the provisions of the section of this Order whereof the marginal note is " Attachment of brackets &c. to buildings &c." no brackets or other apparatus shall be attached to any bridge or other work or property of the railway company without the previous consent of the railway company :
- (6) If in consequence of the construction or existence or use of the tramways it may be necessary to reconstruct or alter or strengthen the structure of any bridge the Corporation shall bear the reasonable expense of such reconstruction alteration or strengthening and the work thereof shall be carried out by the Corporation or by the railway company as may be agreed at the sight and to the reasonable satisfaction of the railway company's engineer :
- (7) If any damage to or interference with any of the railways or any works bridge or signalling apparatus of the railway company or any interruption to the traffic on any of the railways shall arise or be occasioned at any

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time by the works or operations of the Corporation under the provisions of this Part of this Order they shall forthwith make good or remove such damage interference or interruption at their own expense or the railway company may execute the necessary works for that purpose at the expense of the Corporation and the Corporation shall repay to the railway company all costs and expenses properly incurred by them in so doing (including engineering expenses and also the expense of inspectors signalmen watchmen and others) and all loss or damage sustained by the railway company in consequence of such damage interference or interruption including all claims and demands that may be made against them by third parties arising out of such damage interference or interruption :

- (8) Nothing in this Part of this Order contained or which may be done in pursuance thereof shall prevent the railway company from maintaining and repairing and when necessary altering extending reconstructing strengthening renewing deviating widening lengthening or enlarging any of the railways bridges roadways or other works of or maintainable by the railway company without interference on the part of the Corporation and without incurring any liability to the Corporation or to any person working or using the tramways for any loss injury damage expense or interruption of traffic which may arise from such maintenance repair alteration or reconstruction and any extra expense which the railway company may incur in such maintenance repair alteration extension reconstruction strengthening renewal deviation widening lengthening or enlarging by reason of the construction or existence of the tramways or works shall be paid by the Corporation. Provided that all such operations shall be executed by the railway company in such manner as to cause as little interruption or inconvenience as practicable to the traffic on the tramways. Provided further that the railway company shall give twenty-eight days' notice in writing to the Corporation before

commencing any such operations as are referred to in this subsection (except in cases of emergency where notice shall be given as early as possible) and such operations so far as interfering with the tramways shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Corporation :

- (9) If having regard to the proposed position of the tramways or works of the Corporation when considered in relation to the position of the works of the railway company at any point where the wires of the railway company pass over or under the tramways it is advisable in the reasonable opinion of the railway company that the electric telegraphic or telephonic wires or apparatus belonging to or maintainable by the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation :
- (10) At the point where the tramways are laid upon or across the crossing on the level of Commercial Street Leith by the goods line of the London and North Eastern Railway Company leading from North Leith station to the docks at Leith the tramways shall continue to be so adapted worked used and maintained as not to interfere with the free uninterrupted and safe use by that company of the said level crossing or the working conduct or passage of traffic thereover and if by reason of the execution of any of the works of the Corporation or the failure of any such works or any act or omission of the Corporation or of their contractors or of any person in the employ of the Corporation or their contractors or otherwise any rails or other work of the London and North Eastern Railway Company at or near the said crossing be injured or damaged such injury or damage shall forthwith be made good by the Corporation at their own expense or in the event of their failing so to do then the London and North

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Eastern Railway Company may make good the same and the reasonable expenses thereof shall be a debt due by the Corporation to that railway company. The Corporation shall not stop any tramway cars or other carriages on the said level crossing and shall so use work and maintain the tramways as not to interfere with or obstruct the traffic on the said goods line to a greater extent than is reasonably necessary for the proper working of the tramways. If any such obstruction or interruption shall be occasioned to the traffic of the London and North Eastern Railway Company upon or across the said level crossing the Corporation shall pay to that railway company all damage that may be sustained by them in consequence thereof :

- (11) The cars used on the Musselburgh tramways shall not be stopped on or be otherwise allowed to interfere with or obstruct the traffic passing along the Fisherrow branch railway of the London and North Eastern Railway Company where the Musselburgh tramways cross the said branch railway on the level of the public road between Portobello and Musselburgh :
- (12) If any difference shall arise between the Corporation and the railway company under this section the same shall be determined by an arbiter to be agreed upon between the Corporation and the railway company or failing agreement to be nominated by the sheriff on the application of any of the parties :
- (13) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

For protec-
tion of Dock
Commission.

42. In the exercise of the powers conferred upon the Corporation by this Part of this Order so far as relating to the tramways upon or along that part of the tramway route extending westward from the west end of Bernard Street to a point sixty feet or thereabouts west of the west end of Commercial Street or upon or along the Bonnington Bridge the following provisions for the protection of the Dock Commission shall notwithstanding

anything in this Part of this Order contained and unless otherwise agreed apply and have effect (that is to say) :— A.D. 1932.

- (1) Except in case of emergency the Corporation shall not stop any engines carriages or trucks on the shore of Leith between Bernard Street and the swing bridge there across the river or water of Leith nor on the said bridge nor at any point in Commercial Street opposite or within fifteen feet on either side of any of the entrances to the docks from that street nor shall they erect above the ground level any standards or apparatus other than overhead wires for working the tramways by mechanical power on the carriageway of that street opposite to or within twenty-five feet on either side of any such entrance except that the Corporation may if necessary place a standard between the two entrances to the docks at Citadel. In the event of any alteration or re-arrangement of the said two entrances being at any time hereafter determined on by the Dock Commission the Corporation shall if so required by the Dock Commission remove such last-mentioned standard and re-erect the same in such altered position as may be agreed upon between the Corporation and the Dock Commission or as failing agreement may be determined by arbitration in manner hereinafter in this section provided :
- (2) The Corporation shall not run any engine carriage or truck exceeding twelve and one-half tons in weight on the tramways upon or over the said swing bridge :
- (3) The maintenance of the said swing bridge shall continue to be incumbent upon the Dock Commission but that only to the extent to which it was incumbent upon them immediately before the twenty-second day of July nineteen hundred and four and nothing in this Order contained shall operate to increase or diminish the extent of such obligation. The working of the said swing bridge and of the relative machinery and apparatus shall be under the exclusive management and control of the Dock Commission and

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the bridge shall be worked when and in such manner as the superintendent or other person authorised by the Dock Commission shall deem proper having regard to the general convenience of the road tramway and water traffic :

- (4) The Corporation shall not in the execution of the powers conferred upon them by this Part of this Order execute any works upon or over the said swing bridge nor upon or over or under the quays or walls of the river or water of Leith or harbour nor upon over or under the bed of the said river water or harbour nor under the portion of the shore of Leith between the west end of Bernard Street and the swing bridge nor shall they interfere with or affect the structure of the said bridge quays or walls but all such works shall be executed by the Dock Commission in concert with the engineer of the Corporation in regard to all matters relating to the fitness of the bridge for tramway traffic at the expense of the Corporation in accordance with such plans sections and specifications to be prepared by the Corporation as shall be approved by the Dock Commission or in case of disapproval as may be determined by arbitration as hereinafter in this section provided :
- (5) In case any strengthening or alteration of the swing bridge is or shall become necessary by reason of the exercise by the Corporation of the powers conferred upon them by this Part of this Order or the use thereon of any engines carriages or trucks of such weight or design as to be liable to occasion undue strain or other damage to the said bridge such strengthening or alteration shall be carried out by the Dock Commission at the expense of the Corporation and the Corporation shall also defray any additional expense which the Dock Commission may incur in maintaining or repairing the said bridge consequent on any such strengthening or alteration Provided that any strengthening or alteration which is or may from time to time so become necessary shall be carried out and

completed before any such engines carriages or trucks shall be permitted by the Corporation to run on the tramways upon or over the said swing bridge :

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- (6) The Corporation shall pay to the Dock Commission compensation for all damage that may be sustained by them by or through the use maintenance or working of the tramways on the said swing bridge or adjoining quays :
- (7) Any question or difference between the Corporation and the Dock Commission arising under this section shall be referred to and determined by an arbiter to be appointed failing agreement by the sheriff and the costs of any such reference shall be borne by the Corporation :
- (8) Subject to the provisions of this section nothing in this Part of this Order shall restrict or diminish the rights and interests of the Dock Commission in or to the said river and water of Leith or harbour of Leith or any part thereof or the exercise of their powers in connection therewith or affect or interfere with the powers duties and obligations of the Dock Commission in connection with the swing bridge or the portion of the shore of Leith and Commercial Street aforesaid :
- (9) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

43. For the protection of the county council of the county of Midlothian (in this section called "the road authority") the following provisions shall unless otherwise agreed upon between the road authority and the Corporation have effect with respect to the portion of the Musselburgh tramways situated within the burgh of Musselburgh (that is to say) :—

For protec-
tion of
Midlothian
County
Council.

- (1) The Corporation shall maintain repair and renew to the satisfaction of the road authority the posts standards and apparatus belonging to or to be erected by the Corporation under the authority of this Order :
- (2) The road authority shall not be liable for and the Corporation shall indemnify and save

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harmless the road authority against all claims demands costs and expenses whatsoever which may arise by reason of or in connection with the user of the posts and standards of the Corporation or the breaking of electric cables or wires or the leakage or escape of electrical energy in on or under such posts and standards :

- (3) If in the opinion of the road authority any post standard box or overhead wire belonging to or erected by the Corporation under the authority of this Order becomes owing to any road improvement or to the construction of any new road or otherwise an obstruction the Corporation shall at their own expense alter the position thereof in such manner as the road authority direct and to the satisfaction of the road authority :
- (4) The Corporation shall affix such wire guards or other apparatus as in the opinion of the Minister of Transport may be necessary for the protection of the public from injury in case of accident or breakage to the trolley wires :
- (5) If the Corporation shall discontinue the use of any posts standards brackets or overhead electric wires placed in or maintained in on or over any street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Corporation to use electrical motive power supplied by means of any such posts standards brackets or wires shall cease and determine the Corporation shall forthwith at their own cost remove such posts standards brackets and wires and shall restore and make good such street or road to the satisfaction of the road authority unless the Corporation shall at the request of the local authority allow such posts standards brackets or wires as may be utilised for the purpose of lighting such street or road to remain in which event the Corporation shall be relieved of all liability of any kind in connection with such posts standards brackets and wires.

For protection of burgh of Musselburgh.

44. The following provisions for the protection of the provost magistrates and councillors of the burgh of Musselburgh (hereinafter in this section called "the

Musselburgh Council") shall unless otherwise agreed between the Corporation and the Musselburgh Council apply and have effect (that is to say) :— A.D. 1932.
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- (1) From and after the commencement of this Order and subject to the provisions of the section of this Order whereof the marginal note is "Consents of local or road authorities" no tramway stopping place on the portion of the Musselburgh tramways situated within the burgh of Musselburgh shall be fixed or used without the consent of the Musselburgh Council. Provided that this provision shall not apply to stopping places fixed under the provisions of the section of this Order the marginal note whereof is "Byelaws by Minister of Transport":
- (2) The Musselburgh Council or any person with whom they may contract for the lighting of the streets shall be entitled to use free of charge for the support of lamps and other equipment and accessories for lighting the streets of Musselburgh any posts standards or brackets forming part of the overhead tramway equipment situated within the burgh of Musselburgh. Provided that if the Corporation shall discontinue the use of any posts standards or brackets or if the right of the Corporation to use electrical motive power supplied by means of any such posts standards or brackets shall cease and determine the Corporation shall be at liberty to remove such posts standards or brackets unless the Musselburgh Council shall desire them to remain and shall pay to the Corporation the value of the same as the said value shall be determined failing agreement by an arbiter to be mutually chosen or appointed by the sheriff in which event the Musselburgh Council shall relieve the Corporation of all liability of any kind in connection with such posts standards or brackets:
- (3) The fares to be charged by the Corporation on the Musselburgh tramways shall not exceed (1) one penny from Magdalene Bridge to the Hayweights and (2) two pence from Magdalene Bridge to the eastern terminus of the Musselburgh tramways.

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Confirma-
tion of
agreement
as to Mussel-
burgh tram-
ways.

45. The agreement set forth in the Second Schedule to this Order made between the Corporation on the one part and the Musselburgh and District Electric Light and Traction Company Limited on the other part is hereby confirmed and made binding on the parties thereto. Provided that nothing contained in the said agreement shall be deemed to be a provision for the fixing of fares or maximum fares within the meaning of section 72 (7) of the Road Traffic Act 1930.

Vesting of
Mussel-
burgh tram-
ways in
Corporation
&c.

46. One month after the commencement of this Order the Musselburgh tramways shall vest in the Corporation freed and disburdened of and from all mortgages debts claims demands liabilities actions disputes or questions affecting or which might affect or relate to the said tramways or any part thereof or the Musselburgh and District Electric Light and Traction Company Limited in respect thereof and the Musselburgh tramways shall for all purposes whatsoever (including the levying and recovery of rates tolls and charges) form part of the tramway undertaking. Provided that nothing in this section contained shall prejudice or affect the provisions of section 9 (For the protection of the water mains and pipes of the town council of Musselburgh) and section 11 (For the protection of the gas mains and pipes of the Musselburgh Gas Light Company) of the Portobello and Musselburgh Tramways Order 1900 and section 7 (For protection of gas mains and pipes) and section 9 (For protection of water mains and pipes of Musselburgh Town Council) of the Portobello and Musselburgh Tramways (Levenhall Extension) Order 1907.

For further
protection
of Leith
Dock Com-
mission.

47.—(1) The Corporation shall not run public service vehicles within the dock gates of the Port of Leith except by agreement with the Dock Commission.

(2) The Corporation shall not run public service vehicles on any street road or bridge maintained by the Dock Commission outside the dock gates except with the consent of and subject to such conditions as may be made by the Dock Commission and in the event of the Dock Commission refusing to grant consent or granting their consent on conditions which the Corporation may consider unreasonable the Corporation shall have a right of appeal to the Minister of Transport and the Minister shall have power to make such order thereon as he may

think fit and such order shall be binding on the Dock Commission and the Corporation. A.D. 1932.

48.—(1) Subject to the provisions of this Order the Corporation on the one hand and any local authority company body or person empowered to run tramways in or adjacent to the city on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Working
and other
agreements.

- (a) The working user management and maintenance of any tramways lands depots buildings and property provided in connection with any tramway service by any of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of tramway rolling stock necessary for the purpose of such agreement and employment of officers and servants;
- (c) The through running of tramway cars;
- (d) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any tramway service of the contracting parties;
- (e) The payment collection and apportionment of the fares and charges and other receipts arising from any such tramway service as aforesaid.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway and the maximum charge for each portion of the entire distance over which conveyance takes place shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

49.—(1) The Corporation may retain and hold all lands and heritages vested in or acquired by them for

Power to
hold and ac-
quire lands.

A.D. 1932. — the purposes of the tramway undertaking at the commencement of this Order.

(2) The Corporation may in addition from time to time purchase by agreement and hold any other lands and heritages not exceeding one hundred acres for the purposes of or in connection with the tramway undertaking and they may use and apply any lands and heritages belonging to them or which they have acquired or may acquire under the powers of any other Act or Order (and not otherwise specifically appropriated) for the purposes of the tramway undertaking.

(3) The Corporation may on any lands and heritages held by them for the purposes of the tramway undertaking erect or construct and hold such offices depots garages buildings works or conveniences other than an electricity generating station as they may deem requisite for the purposes of the tramway undertaking.

(4) The Corporation may from time to time sell feu lease or otherwise dispose of any land vested in or belonging to them for the purposes of the tramway undertaking or that may be acquired under the provisions of this Part of this Order and that on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Corporation and their successors in title) as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation under this section shall only be applied to the purposes of the tramway undertaking to which capital is properly applicable including the redemption of debt.

(5) The Corporation shall not (unless the Secretary of State otherwise directs) sell feu lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

Penalty for
malicious
damage.

50. If any person wilfully does or causes to be done with respect to any apparatus works vehicles or property used for or in connection with the working of the tramway undertaking anything which is calculated to obstruct or interfere with the working of such undertaking or to cause injury to any person he shall (without prejudice

to any proceedings by way of interdict or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways shall be liable to a penalty not exceeding twenty pounds.

A.D. 1932.
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51. The Corporation may for the purposes of the tramway undertaking acquire hold and exercise patent and other rights or licences but not so as to acquire any exclusive right therein.

Power to
acquire
patent
rights.

52. Nothing in this Order contained shall exempt the Corporation or the tramway undertaking from the provisions of any general Act relating to tramways or public service vehicles now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised to be taken in respect of the tramways.

Provision as
to general
Acts.

53. The Corporation may appoint stages upon any of the routes of the tramways and may demand and take for every passenger travelling upon the tramcars for any such stage or any part thereof such fare as may be determined by the Corporation not exceeding the fare authorised to be taken by or in pursuance of the provisions of this Part of this Order.

Power to
appoint
stages.

54. The Corporation may run through tramcars along any of the routes of the tramways or any specified portion thereof and such tramcars shall be distinguished from other tramcars in such manner as the Corporation may direct and they may demand and take from every passenger by such tramcars a fare not exceeding the maximum fare allowed by this Order for and in respect of the whole of such route or the whole of the portion thereof traversed by any such tramcar Provided that during the running of such through tramcars the Corporation shall maintain a reasonably sufficient ordinary service of tramcars.

Through
tramcars.

55.—(1) Notwithstanding anything contained in this Order or in any other Act or Order to the contrary the Corporation may on any occasion run and reserve tramcars for any special purpose which the Corporation may consider necessary or desirable Provided that such special

Power to
reserve
tramcars
for special
purposes.

A.D. 1932. — tramcars shall be distinguished from other tramcars in such manner as may be directed by the Corporation and that during the running of such special tramcars the Corporation shall maintain a reasonably sufficient ordinary service of tramcars.

(2) The restrictions contained in this Order or in any other Act or Order as to fares or charges for passengers shall not extend to any special tramcars run under the powers of this section and in respect thereof the Corporation may demand and take such fares or charges as they shall think fit.

Lopping of overhanging trees and shrubs.

56. The provisions of section 98 (Lopping of overhanging trees and shrubs) of the Streets Order of 1926 shall apply as regards any street or road along which the tramways are laid outside the city. Provided that except in the case of emergency the Corporation shall not serve a notice under that section as applied by this section without obtaining the previous consent of the local authority.

Byelaws as to persons waiting to enter public vehicles.

57.—(1) The Corporation may make byelaws for regulating the conduct of persons waiting in streets in the city to enter tramcars or public service vehicles and the priority of entry into such vehicles and may by such byelaws require queues or lines to be formed and kept by such persons.

(2) The Corporation may erect and maintain or permit other persons to erect and maintain in any street in the city such barriers and posts as appear to the Corporation to be necessary for the purpose of securing compliance with any such byelaws.

(3) Nothing in subsection (2) of this section shall be construed as empowering the Corporation to hinder the reasonable use of the street by the public or to obstruct the access to or exit from any premises owned or occupied by the Dock Commission nor shall any barrier or post be erected on any bridge carrying any street over a railway or the approaches thereto.

(4) The provisions of section 207 (Provisions in regard to byelaws) of the Streets Order of 1926 shall apply to byelaws made by the Corporation under this section. Provided that with respect to such byelaws the said section 207 shall be read and construed as if the

words "the Scottish Board of Health" wherever occurring therein were omitted and the words "the sheriff (exclusive of his substitutes)" were inserted in lieu thereof. A.D. 1932.

58. The Corporation may erect and maintain sheds shelters or waiting rooms for the accommodation of passengers by the tramcars or public service vehicles and of the servants of the Corporation and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads. Shelters or waiting rooms.

59. Nothing contained in the sections of this Order the marginal notes of which are respectively "Byelaws as to persons waiting to enter public vehicles" and "Shelters or waiting rooms" shall empower the Corporation to obstruct or interfere with the access to or exit from any station depot or yard or any hotel or other property of any railway company both for vehicular and pedestrian traffic. Further saving for railway companies.

60. Any property found in any of the tramcars or in any of the public service vehicles of the Corporation shall forthwith be delivered by the finder thereof to the conductor of such tramcar or vehicle and shall be taken by such conductor to the head office of the transport department and if such property be not claimed by the owner thereof within six months after the finding thereof it may be sold by the Corporation and the proceeds thereof applied in such manner as they shall appoint. Lost property found in tramcars or public service vehicles.

61. Subject to the provisions of this Order where the consent or approval of any local or road authority is by this Part of this Order required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises between the Corporation and any local or road authority as to whether such consent or approval is unreasonably withheld such difference shall be determined by the Minister of Transport. Consents of local or road authorities.

62. The Corporation shall within five months after the end of each 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 the tramway undertaking. Tramway accounts.

A.D. 1932.

Differences
between
road autho-
rity local
authority
and Cor-
poration.

63. Except as otherwise in this Order provided any question or difference between the Corporation and any road authority or local authority with respect to any matter relating to the portion of the Musselburgh tramways situated within the burgh of Musselburgh arising under the provisions of this Part of this Order shall unless the parties otherwise agree be determined by an arbiter to be appointed by the Minister of Transport.

Power to
run public
service
vehicles.

64. Notwithstanding the repeal by this Order of any Act or Order of the Corporation the Corporation shall be deemed to be a local authority operating an omnibus undertaking under a local Act within the meaning and for the purposes of Part V (Running of public service vehicles by local authorities) of the Road Traffic Act 1930.

PART III.

GAS.

Vesting of
gas under-
taking.

65. The gas undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held used and enjoyed by them.

Limits of
supply.

66. The limits for the supply of gas by the Corporation (in this Order referred to as "the limits of gas supply") are and shall be—

- (a) The city;
- (b) The parishes of Currie Ratho and Newton in the county of Midlothian; and
- (c) The parish of Kirkliston in the counties of Midlothian and West Lothian.

General
powers of
gas supply.

67. The Corporation may subject to the provisions of this Part of this Order manufacture and supply gas for lighting heating motive power and other purposes within the limits of gas supply and may sell or dispose of the residual products arising from the manufacture of gas by them.

Corporation
may con-
tract for
supply and
purchase
in bulk.

68. The Corporation may contract with any local authority company or person for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall

authorise the Corporation to lay any mains or interfere with any street beyond the limits of gas supply.

A.D. 1932.
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69. The Corporation may subject to the provisions of this Part of this Order but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply distribution or use of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Power to
take licences
for use of
patents.

70. Subject to the provisions of the sections of this Order the marginal notes of which are "Works below high-water mark not to be constructed without consent of Board of Trade" and "Crown rights"—

Gasworks.

(1) The Corporation may on the lands described in Part I of the Third Schedule to this Order continue erect construct maintain alter improve enlarge or renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making storing and supplying gas and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Corporation may purchase from any source and use such material as is required to work up and convert any such residual products Provided that the Corporation shall not without parliamentary authority to be obtained in a future session of Parliament construct any gasworks or works for the manufacture of residuals or tip spent lime to the west of the road shown on the plans deposited with reference to the Act of 1898 as intended to be stopped up under the provisions of that Act; and

(2) The Corporation may also on the lands described in Part II of the Third Schedule to this Order erect construct maintain alter improve enlarge or renew works for the storage of gas and residual products obtained in the manufacture of gas and

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materials producible therefrom and may on those lands store gas and all such residual products as aforesaid.

Power to
supply gas
fittings &c.

71.—(1) The Corporation may purchase supply sell loan or let for hire or fix repair or remove gas meters and fittings engines stoves ranges pipes and other fittings or appliances for lighting motive power heating ventilating cooking or any other purposes for which gas or gas residuals (but restricted as regards gas residuals to fittings or appliances or other things generally in use in connection with a gas undertaking) can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings or appliances loaned or let for hire under the provisions of this section shall not be subject to pouding or distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings or appliances are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

As to
showrooms
&c.

72. The Corporation may in connection with and for the purposes of the gas undertaking provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas or resulting from the manufacture of gas and give demonstrations of the uses to which gas or gas residuals can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas or gas residuals and may do all such other acts as they may deem expedient to assist develop or promote the use of gas or gas residuals.

Power to
purchase
lands by
agreement.

73. The Corporation may for the purposes of the gas undertaking purchase or acquire by agreement and hold in addition to the lands described in the Third Schedule to this Order any lands and heritages not exceeding in the whole fifty acres for the purposes of or in connection with the gas undertaking. Provided that the Corporation shall not create or permit a nuisance on any such lands and heritages and that no lands and

heritages shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in Part I of the Third Schedule to this Order.

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74. The Corporation may erect purchase or take on lease dwelling-houses for such of their officers or servants employed in connection with the gas undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed and they may also erect purchase or take on lease such buildings as they deem requisite for the purposes of the gas undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of their gas undertaking.

Dwelling-houses and other buildings in connection with gas undertaking.

75.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 the Corporation may from time to time sell feu lease or otherwise dispose of any land vested in or belonging to them for the purpose of the gas undertaking or that may be acquired under the provisions of this Part of this Order and that on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Corporation and their successors in title) as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation under this section shall only be applied to the purposes of the gas undertaking to which capital is properly applicable including the redemption of debt.

Sale of surplus lands.

(2) The Corporation shall not (unless the Secretary of State otherwise directs) sell feu lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

76. The Corporation may on the application of the owner or occupier of any premises erected or in course of erection within the limits of gas supply and abutting on any private street supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from

Power to lay pipes in private streets.

A.D. 1932. incorporation in this Order Provided that nothing in this section shall except with the consent of the London and North Eastern Railway Company or the London Midland and Scottish Railway Company as the case may require (which consent shall not be unreasonably withheld) extend to any street or road belonging to and forming the approach to any station or depot of those companies or either of them and on obtaining such consent the Corporation in carrying out the works authorised by this section shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

Service
pipes in
tenements.

77.—(1) The Corporation may for the purpose of supplying gas to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to one or more owners fit up lay and maintain service pipes in such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any other owner or occupier as the case may be doing as little damage as may be and making good any damage done Provided that any difference thereanent between any owner or occupier on the one hand and the Corporation on the other hand shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

Power to
lay pipes
against
buildings
for lighting
same.

78. The Corporation may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against any such building for the purpose of supplying gas to the occupier of such building and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of the supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

Power to
lay mains
in bed of
water of
Leith.

79. Subject to the provisions of the section of this Order the marginal note of which is "Works below high-water mark not to be constructed without consent of Board of Trade" the Corporation may carry their

mains or pipes across under or over the bed or channel of the water of Leith or the harbour thereof or along any bridge not being a drawbridge across the said river for the supply of gas to places beyond but so as not to injure the said river or bridges or interrupt the free passage of traffic on the said river or harbour or bridges or any of them. A.D. 1932.

80.—(1) Every consumer of gas supplied by the Corporation who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Corporation (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Corporation and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

Provision of valve where high-pressure air or other gas is used.

(2) It shall not be lawful for any consumer at any time after the commencement of this Order to commence to use high-pressure air or other gas unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or obligation under this section the Corporation may cease to supply gas to him and shall not be

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under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the provisions of subsection (2) of this section—

(a) in the case of all persons who at the commencement of this Order are consumers of gas supplied by the Corporation on the demand notes for gas charges payable to the Corporation issued next after the commencement of this Order; and

(b) in the case of any person becoming after the commencement of this Order a consumer of gas supplied by the Corporation on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Corporation have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Anti-
fluctuators
to be used
with gas
engines.

81.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair

renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

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(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

82. Except so far as is otherwise provided by statute the gas mains and pipes of the Corporation laid within any streets or roads shall not (except in cases of emergency) be uncovered or interfered with until after the service of written notice on the Corporation at least forty-eight hours before such operations are commenced.

Notice to Corporation before interfering with mains.

83. At least twenty-four hours' notice shall be given by every gas consumer to the Corporation before such gas consumer shall quit any premises supplied with gas by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur.

Consumers to give notice before removing.

84. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

As to construction and placing of pipes &c.

- (1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the

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pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

- (2) (a) The Corporation shall publish once in the *Edinburgh Gazette* and once in each of two newspapers circulating within the limits of gas supply a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the engineer and manager of the gas department of the Corporation and copies of every such specification shall be purchaseable by any

person at the said office at the price of sixpence for each copy: A.D. 1932.

- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used:
- (4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification:
- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen:
- (6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings are not according to the appropriate specification of the Corporation they may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be

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placed as near as practicable to the Corporation's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the Corporation shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :

(8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Corporation and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

(9) For the purposes of this section the expression "fittings" includes only the joints angles and connections used in placing or laying pipes.

Price of gas.

85. The Corporation shall from time to time fix the charges to be made by them for gas to be supplied. Provided that the Corporation shall so far as can be estimated so regulate the charges that the proceeds of the sale of gas along with the other revenues of the gas undertaking may one year with another produce the amount of money required for carrying on the undertaking.

86. The Corporation may notwithstanding anything to the contrary in this Order or in any Act incorporated herewith charge a higher rate for gas supplied by them outside the city but not exceeding one decimal two pence per therm more than they charge within the city.

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Differential charges.

87. In the event of any meter used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by the Corporation to the consumer or by the consumer to the Corporation as the case may be and in the case of a surcharge shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Period of error in defective meters.

88. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse supply to persons in debt for other premises.

89. The Corporation may in addition to their recourse against the actual consumer charge and recover from the tenant of any house who sub-lets his house furnished for any period not exceeding two months the amount of rates and charges for gas used and consumed and any other sums due to the Corporation in connection with the gas supply by such sub-tenant during such sub-tenancy but the Corporation shall not have any such recourse against the tenant where prior to the commencement of the sub-tenancy he shall have given notice to the Corporation of the date of the commencement of the sub-tenancy and the duration thereof.

Tenants' liability for sub-tenants' gas supply.

90. All penalties fines and forfeitures imposed for offences against this Part of this Order or any Act relating to gas wholly or partially incorporated herewith may be recovered either according to the ordinary procedure

Recovery and application of penalties

A.D. 1932.
—
under this
Part of
Order.

before any court of summary jurisdiction or by application to the sheriff (which application shall be determined by the sheriff in a summary manner) and shall (except penalties fines and forfeitures imposed on or recovered from the Corporation) be paid to the Corporation and be by them carried to the revenue account of the gas undertaking Provided that costs or expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered summarily as civil debts and all expenses of prosecutions and convictions in so far as not paid by or recovered from the person contravening the provisions of this Part of this Order shall be paid by the Corporation and form a proper charge against the revenue account of the gas undertaking.

Relief from
obligation
to supply.

91. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbiter appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits of gas supply of the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the commencement of this Order; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation :

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to

as "the applicant") shall enter into a written contract with the Corporation— A.D. 1932.

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand.

If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbiter to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbiter shall be final and binding.

In determining any such question as aforesaid the arbiter shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;

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(b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section.

Power to
compel
repairs of
piping or
appliances
&c. in
dangerous
condition.

92.—(1) If the Corporation shall at any time serve notice upon any consumer to the effect that an officer or servant of the Corporation has reported after inspection of any internal piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas consuming appliance or fitting is in such a condition as to be dangerous such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit. Any expenses incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation summarily as a civil debt.

(2) For the purposes of this section the Corporation shall subject to the provisions of section 21 of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exerciseable under that section.

(3) Nothing in this section shall apply to any internal piping gas consuming appliance or fitting on the premises other than a dwelling-house of any railway company nor shall the powers of this section be exerciseable in respect of such premises.

Notices to
Corporation.

93. A notice to the Corporation from a consumer (a) for the discontinuance of a supply of gas or (b) in accordance with the provisions of this Part of this Order shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by

post to the office of the engineer and manager of the gas department of the Corporation or be given by the consumer personally at the said office.

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94.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect the service pipe (whether or not belonging to the Corporation) and any person who shall re-connect such service pipe without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

As to mode
of cutting
off supplies.

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

95. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the reasonable expenses of cutting off and reconnecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Expenses of
cutting off
and re-
connecting
supplies.

96. The Corporation may on giving twenty-four hours' previous notice remove from any house or premises any meters of the Corporation which the Corporation consider to be unsuitable for such house or premises and may substitute for such meters so removed such other meter or meters as are in the Corporation's opinion sufficient for the supply of such house or premises with gas Provided that in the event of any person desiring

Removal
of meters.

A.D. 1932. — to retain any such meter of which notice for removal has been so given the Corporation may charge such person a yearly rent for such use as the Corporation think fit.

Removal
of fittings
where gas
supply dis-
continued.

97.—(1) The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

(2) Any person having control of premises which the Corporation are authorised by the Gasworks Clauses Act 1871 or this Order to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds.

(3) Where any premises which the Corporation are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the premises doing no unnecessary damage and repairing all damage caused by such entry and shall on quitting the premises leave them secure.

For protec-
tion of
William
Younger
and
Company
Limited.

98. If there shall be any leakage from the gasholders situate at Meadowflats affecting the well in the Holyrood Brewery of William Younger and Company Limited then the Corporation shall provide a supply of water suitable for brewing purposes of the same amount as but for such leakage would have been available from and supplied by the said well and if there shall be any dispute between the Corporation and the said William Younger and Company Limited as to whether such leakage does exist the same shall be referred to an arbiter to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers for the time being.

PART IV.

A.D. 1932.

FINANCE AND ASSESSMENTS.

(A) ACCOUNTS AND AUDIT.

99. This Part of this Order shall commence and have effect on and from the sixteenth day of May nineteen hundred and thirty-two which date is in this Part of this Order referred to as "the commencement of this Part of this Order."

Commence-
ment of
this Part
of Order.

100.—(1) The Corporation shall establish and administer a fund to be called the "burgh fund" to which shall be carried and credited in each year the moneys grants and revenues following which shall form part of the burgh fund (that is to say):—

Establish-
ment of
burgh fund

- (a) The total moneys raised on account of the burgh assessments;
- (b) The total amount of Government grants received by the Corporation;
- (c) All moneys received by the Corporation on account of the revenues of the public utility undertakings of the Corporation (including the revenues of any reserve depreciation or renewal fund of such undertakings) and on account of all other undertakings or services carried on by the Corporation out of or on the security of the burgh assessments; and
- (d) All other revenues of the Corporation as rating authority.

There shall be defrayed out of the said fund—

- (a) All expenditure of the Corporation payable out of the burgh assessments; and
- (b) All expenditure of the Corporation in respect of the public utility undertakings of the Corporation and in respect of all other undertakings or services carried on by the Corporation out of or on the security of the burgh assessments.

(2) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between these

A.D. 1932. — 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.

Books of account.

101. The Corporation shall cause to be kept books of account showing all rates or assessments levied and all revenue and expenditure and all outstanding balances due to or by them.

Yearly accounts to be made out.

102.—(1) Subject to the provisions of this Order the Corporation shall yearly cause to be made out from the said books just and accurate accounts of all revenue and expenditure and of all outstanding balances due to or by them with balance sheets applicable thereto on account of—

- (a) The common good; and
- (b) The burgh fund.

(2) Notwithstanding anything to the contrary contained in any Act or Order the accounts of the Corporation shall be made out for the year ending on the twenty-eighth day of May immediately preceding provided that the accounts to be made up on the twenty-eighth day of May one thousand nine hundred and thirty-three shall be in respect of the period ending on that day and commencing on the sixteenth day of May one thousand nine hundred and thirty-two.

(3) The said accounts with the balance sheets applicable thereto are hereinafter in this Part of this Order referred to as “the accounts.”

Accounts to exhibit complete state.

103. The accounts shall be so made out as to exhibit a complete state showing with regard to each—

- (a) The assets and the liabilities;
- (b) The amount set aside by the Corporation during the year for the extinction of liabilities by way of payment of periodical contributions to the loans fund;
- (c) The amount of each branch of revenue and assessment and the amount of the same in arrear or remaining unpaid at the date of the accounts;
- (d) The amount of all sums borrowed or raised and of all sums received on sale or alienation of property distinguishing the same from the ordinary revenue; and

(e) The amount of all sums paid distinguishing capital expenditure from expenditure out of revenue and of all sums remaining unpaid for or by reason of any expense incurred during the year for which such accounts shall be so made out. A.D. 1932.

104.—(1) Where the Corporation or the magistrates or any number of them are the sole trustees for any charity foundation or mortification then and in every such case the accounts relative to the same shall be kept distinct from the other accounts kept by the Corporation. Trust funds under management of Corporation.

(2) The Corporation shall yearly cause to be made out from their books accounts relative to such charity foundation or mortification and all the statutory provisions relative to the preparation audit submission to the Corporation and inspection of the accounts and rights of appeal in respect thereof shall apply to the accounts of such charity foundation or mortification.

105. The provisions of this Part of this Order and of section 15 of and the Third Schedule to the Local Government (Scotland) Act 1929 shall apply to the audit of the accounts of the Corporation and all other provisions relating to accounts and audit contained in any other public and general or local and personal Act so far as subsisting at the commencement of this Part of this Order shall no longer be applicable to the accounts of the Corporation. Provided that any account subject to be dealt with under the provisions of an order as to audit made by the Scottish Education Department in terms of section 19 of the Educational Endowments (Scotland) Act 1882 or of section 15 of the Educational Endowments (Scotland) Act 1928 shall continue to be dealt with in accordance with the provisions of such order. Application of statutory provisions relating to accounts and audit.

106. The accounts as the same shall have been audited in accordance with the provisions of the Third Schedule to the Local Government (Scotland) Act 1929 together with the auditor's report thereon 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 Corporation.

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(B) RATING.

Annual
estimates.

107. On or before the last day of July in each year the Corporation shall estimate and fix for the financial year then current namely from the twenty-eighth day of May preceding till the twenty-eighth day of May succeeding—

- (a) The amount necessary to be levied for the purpose of defraying the expenditure chargeable against revenue payable out of the burgh assessments;
- (b) The amounts necessary to be defrayed out of the revenue accounts of the public utility undertakings; and
- (c) The amount of capital expenditure for all purposes:

Provided that in the case of the year from May nineteen hundred and thirty-two to May nineteen hundred and thirty-three the Corporation shall estimate and fix the above amounts for the period from the fifteenth day of May nineteen hundred and thirty-two to the twenty-eighth day of May nineteen hundred and thirty-three.

Expenditure
payable out
of assess-
ments.

108. The expenditure payable out of the burgh assessments shall except as otherwise provided consist of all expenditure required for carrying out the provisions of the Edinburgh Municipal and Police Acts or of any other Act or Order of or relating to the Corporation or for carrying out the provisions of any public general Act in operation within the city for the time being which imposes or confers upon the Corporation powers duties or obligations.

Deficiency
or surplus
on public
utility
under-
takings.

109.—(1) In the event of there being any deficiency of revenue in any year in the accounts of any of the public utility undertakings which cannot be met out of the reserve fund of the undertaking or cannot otherwise be provided for under the enactments in force applicable to such undertaking the Corporation shall fix and determine the amount of such deficiency to be met out of assessments and thereafter such amount shall be payable out of the burgh assessments.

(2) If in any year the moneys received by the Corporation on account of the revenue of any of the public utility undertakings exceed the moneys defrayed by the

Corporation out of the burgh fund in respect of that undertaking the Corporation may apply if they think fit out of the burgh fund the excess or any part thereof in reduction of capital debt or in aid of the burgh assessments or in making payments into the reserve depreciation or renewal funds of the undertaking. Provided that the amount which may be applied in aid of the burgh assessments in any year shall not exceed one and one half per centum of the debt of the undertaking outstanding at the commencement of this Part of this Order and that no sum shall be paid in aid of the burgh assessments unless the total of the reserve depreciation and renewal funds amounts to one-twentieth of the aggregate capital expenditure on the undertaking. A.D. 1932.
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(3) Nothing contained in this Order shall be deemed to authorise the Corporation to apply or dispose of the net surplus remaining in any year and the annual proceeds of the reserve fund (when amounting to the prescribed limit) of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

110.—(1) On or before the last day of September in each year the Corporation shall lay on or impose a consolidated assessment to be called the burgh assessments sufficient to provide the sums of money necessary to be levied during the financial year then current estimated in accordance with the provisions of the section of this Order the marginal note whereof is "Annual estimates" due provision being made for any surplus or deficiency on the accounts for the year preceding. Laying on of
assessments.

(2) Subject to any statutory provision for exemption or abatement the burgh assessments shall be imposed upon owners and occupiers or owners or occupiers of lands and heritages within the city according to the rateable value thereof as determined by any enactment affecting the same and the burgh assessments shall be payable (a) wholly by the occupier in respect of expenditure for and in connection with the purposes mentioned in the Fourth Schedule to this Order and (b) one half by the owner and one half by the occupier in respect of purposes other than those mentioned in that schedule.

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(3) In imposing the burgh assessments the Corporation shall not be bound to fix any rate of assessment which shall include a fractional part of a penny.

(4) The burgh assessments shall be imposed as from the twenty-eighth day of May in any one year to the twenty-eighth day of May in the following year except in the case of lands and heritages entered in the supplementary valuation roll in which case the burgh assessments shall be imposed in respect of the period to the twenty-eighth day of May next ensuing. Provided that in the case of the year from May nineteen hundred and thirty-two to May nineteen hundred and thirty-three the burgh assessments shall be imposed as from the fifteenth day of May nineteen hundred and thirty-two to the twenty-eighth day of May nineteen hundred and thirty-three.

(5) The burgh assessments shall be due and payable at the office of the city collector or at such other place or places as the Corporation may from time to time appoint on the eleventh day of November or on the next lawful day thereafter yearly. Provided that burgh assessments imposed in respect of lands and heritages entered in the supplementary valuation roll shall be due and payable on demand.

Exemptions
or abate-
ments from
burgh
assessments.

111. Notwithstanding any enactment to the contrary the following provisions shall apply and have effect with respect to exemptions or abatements from the burgh assessments (that is to say):—

(1) Only such portion of the burgh assessments shall be leviable in respect of the lands and heritages set out in column 1 of Part I of the Fifth Schedule to this Order as shall remain after deduction of the appropriate percentage set out in the columns 2 3 or 4 of the said schedule opposite to the said lands and heritages:

(2) Only such portion of the burgh assessments shall be leviable in respect of the lands and heritages set out in column 1 of Part II of the Fifth Schedule to this Order as shall remain after deduction of the appropriate percentage set out in the columns 2 3 or 4 of the said schedule opposite to the said lands and heritages. Provided as follows:—

(a) The deduction under this subsection shall only be made in the case of lands and

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heritages occupied and used by bodies or persons who in respect of lands and heritages occupied and used by them prior to the commencement of this Part of this Order were exempt from the burgh assessments in whole or in part on the ground that such lands and heritages were occupied and used solely for the purposes of public charity;

(b) The provisions of this subsection shall apply to the Edinburgh Hospital for Crippled Children whether or not their hospital buildings at Frogston Road Fairmilehead Edinburgh are completed and occupied prior to the commencement of this Part of this Order :

- (3) Only such portion of the burgh assessments shall be leviable in respect of the lands and heritages set out in column 1 of Part III of the Fifth Schedule to this Order as shall remain after deduction of the appropriate percentage set out in columns 2 3 or 4 of the said schedule opposite to the said lands and heritages. Provided that the deduction under this subsection shall only be made in the case of lands or heritages which prior to the commencement of this Part of this Order were exempt from the burgh assessments in whole or in part :
- (4) The following provisions shall extend and apply to the deductions provided for in the foregoing subsections of this section and the said schedule :—
- (i) The deduction in respect of the Craighouse Lunatic Asylum shall only continue while and so long as it is used for the purposes of a lunatic asylum ;
- (ii) The deduction in respect of the lands and heritages within the Granton Harbour limits shall extend and apply to the Duke of Buccleuch and his successors as owners and occupiers of the lands and heritages within the Granton Harbour limits as defined in the Ninth Schedule to the Act of 1920 and his and their tenants as occupiers of lands and heritages within the said limits but only so long as the said harbour exists and is used as a harbour or docks ;

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(iii) The deduction in respect of Duddington policy grounds and claypit shall continue only so long as the same are occupied as policy grounds golf courses and claypit respectively;

(iv) The deduction in respect of the harbour and docks of Leith shall extend and apply to lands and heritages now or hereafter vested in the Dock Commission other than any lands and heritages which for the time being are let to or are in the occupation of their tenants;

(v) The deduction in respect of the lands and heritages forming numbers 4 5 and 6 in Part I of the Fifth Schedule to this Order shall only continue while and so long as the said lands and heritages are used solely for ecclesiastical purposes:

- (5) The Edinburgh (Consolidated Rate) Order 1930 made by the Secretary of State under the powers of the Local Government (Scotland) Act 1929 shall cease to have effect after the commencement of this Part of this Order.

Assessments
not to be
imposed on
church
halls &c.

112. The Corporation shall not levy assessments in respect of halls offices and premises connected with churches chapels or meeting places and belonging to or held by the religious body for or on behalf of whom such churches chapels or meeting places are held or used where and so long as such halls offices and premises are used exclusively for religious charitable or educational purposes Provided that this section shall not apply as regards the owner's proportion of such assessments where in respect of such halls offices and premises the owner receives rent therefor and does not himself occupy the same Provided further that the occasional use of such halls offices and premises for other than religious charitable or educational purposes shall not subject the same to assessment where such use is granted gratuitously or subject only to a reasonable payment in respect of cleaning heating lighting or other services and no profit is derived from such payment.

For the purposes of this section the expression "assessments" means the public water rate and the burgh assessments.

113. Subject to the provisions of the next following section the Corporation if they think fit may allow deduction from the burgh assessments in respect of any period during which any lands and heritages shall not be let retained for occupation or occupied for three months consecutively in any one year and every owner who shall let re-let or sub-let lands and heritages for less than a year shall himself as well as the occupier be responsible for the burgh assessments and the same may be recovered either from such owner or from such occupier Provided that the occupier of any lands and heritages let for a period less than a year by whom the burgh assessments shall be paid shall be entitled to deduct from his rent the amount of the burgh assessments in excess of the proportion thereof applicable to the period of his occupancy.

A.D. 1932.
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Deduction
for partial
occupation
&c.

114. The proportion of the burgh assessments payable by owners and the proportion of the public water rate payable by owners shall be due and payable whether the lands and heritages in respect of which the same have been imposed shall have been let or occupied during the year of assessment or not.

Assessment
of unlet or
unoccupied
property.

115. The Corporation if they think fit may on the ground of the poverty or inability to pay of any person liable in the burgh assessments remit in whole or in part payment of such assessments by such person in such manner as the Corporation shall in their discretion think just and reasonable.

Relief
from assess-
ments in
case of
poverty.

116. Subject to the provisions of this Order the Corporation may on default of payment by any owner collect and recover such owner's proportion of the burgh assessments and any statutory penalty incurred in respect thereof from the occupier or occupiers and on payment thereof such occupier or occupiers may deduct the same from the rent payable or to become payable to such owner.

Collection
from
occupier on
default of
owner.

117. If on the first day of March in any year any person shall be in arrear of the burgh assessments one penny upon each pound of the rateable value of the lands and heritages in respect of which such person is so in arrear in addition to the amount of the assessments then due shall be leviable from such person by way of penalty for neglect or failure in payment and the Corpor-

Penalty for
non-
payment.

A.D. 1932. ation and the city collector are hereby empowered and required to levy and collect the same.

Assessment
roll to be
made up.

118. The Corporation shall in each year cause to be made up from the valuation roll an assessment roll showing the rateable value of the lands and heritages liable to be assessed for the burgh assessments and the total amount of assessment payable in respect of such lands and heritages Provided that—

- (1) There shall not be entered in the assessment roll any fractional part of a pound of rateable value and when such fractional part shall not amount to ten shillings the same shall not be entered in the assessment roll and when such fractional part shall amount to or exceed ten shillings the same shall be entered as one pound of rateable value in addition to the actual number of pounds of rateable value and shall be assessed accordingly :
- (2) The assessment roll shall be open to the inspection of any person interested in or liable to pay the burgh assessments at all reasonable times and any such person may take extracts therefrom of the assessment in which he is interested or for which he is liable without paying anything for the same :
- (3) The Corporation shall have power to rectify any error which may be found in the assessment roll :
- (4) The Corporation in their discretion may cause the assessment roll to be made up so as to show therein in addition to the appropriate entries for the burgh assessments the appropriate entries for the domestic water rate and the public water rate or for any other rates or assessments which the Corporation are or may be authorised to collect along with the burgh assessments or the Corporation in their discretion may instead of making up a separate assessment roll make the appropriate entries on a copy of the valuation roll which shall then be deemed to be equivalent to the assessment roll :
- (5) For the purpose of this section the expression "valuation roll" shall include any supplementary valuation roll made up under any statutory

provision during the year and the provisions of this section applicable to the assessment roll made up from the principal valuation roll shall apply to any supplementary assessment roll made up from the supplementary valuation roll :

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- (6) The production of the assessment roll (or its equivalent) made up in accordance with the provisions of this section shall alone and without any evidence whatsoever be received as prima facie evidence of the making and validity of the assessments therein mentioned.

119.—(1) If any person liable for the payment of the burgh assessments shall refuse or neglect to pay the same or any portion thereof on or before the expiry of three months after such burgh assessments are payable the city collector may make an attestation setting forth that the said person has failed to pay such burgh assessments or any portion thereof notwithstanding the same have been demanded from him by a notice or demand note delivered to or left for him on the premises in respect of which such burgh assessments are made or at his dwelling-house or place of business and such attestation being made it shall be lawful for the city collector to make application to the sheriff who upon such application and production therewith of such attestation shall grant summary warrant for recovery of the said burgh assessments or the portion thereof remaining unpaid and also for recovery of any penalty which may have been incurred under the provisions of the section of this Order the marginal note whereof is "Penalty for non-payment" and such warrant shall authorise recovery of the amounts unpaid as aforesaid by poinding and arrestment and shall further authorise the city collector or officers of court to enter into any premises in the occupancy of any person so in arrear and to poind seize remove or secure any goods and effects therein belonging to such person or so much thereof as shall satisfy the arrears due by him with the said penalty and such warrant shall also authorise the city collector or officers of court or licensed auctioneer after the lapse of four days in the event of non-payment of the said arrears penalty and costs to sell and dispose of the said goods and effects by public auction on three days' notice and apply the price in payment of the said arrears penalty and costs due by such

Recovery
of burgh
assessments.

A.D. 1932. person and the balance shall be paid to such person and the foresaid attestation application and warrant shall be in the form as near as may be contained in the Sixth Schedule to this Order. Provided always that nothing herein contained shall prejudice the right of the city collector at any time after the burgh assessments shall be payable and that either before or after such warrant shall have been obtained to prosecute as he is hereby empowered to prosecute for and recover before the sheriff's small debt court or by any other legal form of proceeding all or any part of such burgh assessments in arrear with the addition of any penalty which may have been incurred as aforesaid. Provided further that the city collector shall be bound to preserve the warrants of all seizures or sales made under and in virtue hereof and shall enter in a book to be kept for that purpose the names of the parties proceeded against the burgh assessments due the expenses of the proceedings and the true proceeds of each sale which books shall be open to the inspection (without any fee) of all parties interested for three months after the date of each sale respectively and at any time within that period it shall be competent to any person considering himself aggrieved to complain to the sheriff of anything done unjustly or oppressively in regard to such seizure or sale such complaint being made in the form of a petition subscribed by the complainer and the decision of the sheriff shall be final.

(2) The burgh assessments shall in the case of bankruptcy insolvency or liquidation be preferable to all debts of a private nature due by the person assessed or by the person liable in such assessments.

Recovery of assessments &c. in cases of persons resident beyond the city.

120. In case any person liable in payment of the burgh assessments or of any charges or expenses authorised to be levied or recovered under the provisions of this Order shall remove to any place beyond the city the Corporation and the city collector or other officers may put the decrees and warrants which may be granted for the recovery of such assessments charges or expenses in manner before mentioned into execution in the same manner as if such person had continued to reside within the city such decree or warrant being first endorsed by a magistrate or sheriff or justice of the peace of the burgh or county within which it is to be put into execution.

121. No misnomer mistake or informality committed in any proceedings for recovery of the burgh assessments or any other charges or expenses under the provisions of this Order shall prejudice the recovery thereof nor shall such proceedings fall lapse cease or abate by the death resignation or removal of the city collector instituting the same but the city collector for the time may prosecute and follow forth procedure commenced and carried on in the name of any previous city collector in all respects as if such procedure had been taken by himself Provided that it shall not be competent for any person to sue nor for any court of law to entertain any action or proceeding against the Corporation or the city collector or officers or other persons employed in executing any decree or warrant in reference to such assessments charges or expenses by reason of any misnomer mistake or informality if the goods or other effects seized or sold under such warrant were bona fide the property or in the lawful possession of the person actually liable in payment thereof.

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Misnomers
not to affect
proceedings
for recovery
of assess-
ments.

122. Notwithstanding the provisions of the Water Order of 1924 the domestic water rate and the public water rate leviable under the said Order shall be imposed assessed and levied annually for the financial year from the twenty-eighth day of May preceding to the twenty-eighth day of May succeeding and the provisions of the said Order relative to the imposition assessment and levying of the domestic water rate and the public water rate are amended accordingly Provided that in the case of the year from May nineteen hundred and thirty-two to May nineteen hundred and thirty-three the said domestic water rate and public water rate shall be imposed as from the fifteenth day of May nineteen hundred and thirty-two to the twenty-eighth day of May nineteen hundred and thirty-three and the reference in section 62 of the said Water Order of 1924 to section 7 of the Order of 1919 shall be read as a reference to the section of this Order the marginal note whereof is "Supplementary valuation roll."

Amendment
of Water
Order of
1924.

(C) BORROWING.

123.—(1) All borrowing powers of the Corporation granted prior to the commencement of this Part of this Order under or in accordance with the provisions of any

Existing
borrowing
powers
continued.

A.D. 1932. local Act or Order shall notwithstanding the repeal by this Order of any Act or Order under which such borrowing powers were conferred continue to be in force as fully and effectually as if the Act confirming this Order had not been passed but only in so far as the amounts borrowed are outstanding and not paid off or the borrowing powers are unexhausted at the commencement of this Part of this Order.

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

(3) The sums of money which the Corporation have been authorised to borrow for the undertakings mentioned in the Seventh Schedule to this Order and the amounts outstanding and not paid off and the amount of the unexhausted borrowing powers as at the fifteenth day of May one thousand nine hundred and thirty-one are set forth in the said schedule.

New
borrowing
powers.

124. Subject to the provisions of this Order the following provisions in regard to borrowing by the Corporation shall apply and have effect except in the case of the public utility undertakings (that is to say) The Corporation under the authority of this Order may borrow such sums of money as may require to be expended by the Corporation for any statutory purpose authorised by any local Act or Order in force at the commencement of this Part of this Order for which capital is properly applicable and for which borrowing powers have not otherwise been granted or provided for.

Borrowing
for public
utility
under-
takings.

125.—(1) In addition to any money borrowed under any existing borrowing powers the Corporation under the authority of this Order may borrow with the sanction of the Secretary of State such sums of money as may require to be expended for any purpose of the public utility undertakings for which capital is properly applicable Provided that in the case of the tramway undertaking the sanction of the Secretary of State shall be given after consultation with the Minister of Transport.

(2) Money borrowed under the provisions of this section shall be wholly repaid within such period and by such method or methods as the Secretary of State may determine.

(3) The foregoing provisions of this section shall not apply to the electricity undertaking or affect the provisions of the Electricity (Supply) Acts 1882 to 1928 in regard to the borrowing of money for the purposes of an electricity undertaking. A.D. 1932.

126. For the purposes of providing temporarily for current expenditure for any of the purposes of the Corporation it shall be lawful for the Corporation to borrow such moneys as may be necessary to provide for such expenditure. Provided always that such moneys so borrowed shall as nearly as may be be repaid at or before the last day of the financial year to which such borrowing applies. Power to borrow for current expenses.

127.—(1) The Corporation shall in each year out of the appropriate accounts of the Corporation set apart as sinking funds and pay into the loans fund amounts not less than the sums of money required in that year for redemption of moneys borrowed for the various purposes of the Corporation according to the period of redemption in each case. Redemption of moneys borrowed.

(2) The existing statutory periods of redemption of moneys borrowed according to the various enactments affecting the same set forth in the Eighth Schedule to this Order shall notwithstanding any repeal by this Order continue to be in force as fully and effectually as if the Act confirming this Order had not been passed.

(3) Subject to the provisions of this Order the period of redemption for sums borrowed by the Corporation for capital purposes shall not exceed thirty years except as may be otherwise provided in any enactment or in any sanction of any Government department.

128. No magistrate or councillor or officer acting under the Corporation shall be personally liable for the repayment of any money borrowed by the Corporation. Magistrates and council not to be personally liable.

129. Subject to the provisions of this Order the Corporation may raise all or any moneys which they are authorised to borrow in one or other or all of the ways or methods following (that is to say) :— Mode of raising money.

(a) By temporary loan or deposit receipt. Provided that the total amount of money raised in this way shall not at any time exceed ten per centum of the total amount of moneys borrowed by the Corporation and outstanding;

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- (b) By overdraft from any bank;
- (c) By means of a cash credit account with any bank;
- (d) By bills or promissory notes;
- (e) By mortgage;
- (f) By using any moneys for the time being forming part of sinking reserve depreciation renewal superannuation or other funds belonging to or held by them;
- (g) By Corporation stock.

Security
for money
borrowed.

130. Subject to the provisions of this Order the security for any moneys borrowed by the Corporation and for the interest or dividends payable in respect of moneys borrowed shall be the whole funds rates and revenues of the Corporation and moneys borrowed by the Corporation after the commencement of this Part of this Order by whatever method of borrowing shall be deemed to have the same charge and security and shall rank *pari passu*.

Bills or
promissory
notes.

131.—(1) The method of raising moneys by means of bills or promissory notes for the purposes of any borrowing powers of the Corporation shall not be used except in accordance with the provisions of this section.

(2) The total amount of such bills or promissory notes which shall be issued by the Corporation and outstanding shall not at any time exceed the sum of one million pounds.

(3) A register of the bills or promissory notes from time to time issued or renewed by the Corporation shall be kept by the city chamberlain and such register shall show the amount of each bill or 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. Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Corporation.

(4) Each bill or promissory note shall be for an amount not less than five hundred pounds.

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

and the amount received in respect thereof shall be deemed to be interest on the principal money so raised. A.D. 1932.

(6) All bills or promissory notes issued by the Corporation after the commencement of this Part of this Order may be in the form contained in the Ninth Schedule to this Order or as near thereto as may be.

(7) All bills or promissory notes issued under the provisions of this section shall be sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk and the city chamberlain.

(8) Upon repayment of the sum contained in any bill or promissory note the city chamberlain shall uplift the note endorsed by the holder and shall thereupon cancel the same by perforated stamp and an entry of such cancellation shall be made in the register of bills or promissory notes.

132.—(1) All mortgages made and granted by the Corporation after the commencement of this Part of this Order together with the renewals assignments and discharges thereof may be in the forms respectively contained in the Tenth Schedule to this Order or as near thereto as may be and such mortgages shall be and be deemed to be validly executed notwithstanding any law or practice to the contrary if the same are sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk. Mortgages.

(2) There shall be kept at the office of the city chamberlain a register of mortgages (hereinafter in this section referred to as "the register") made and granted by the Corporation and before any mortgage shall be delivered to the mortgagee the city chamberlain shall make or cause to be made an entry in the register of the following particulars thereof (that is to say):—

- (a) The name and description of the mortgagee;
- (b) The number and date of the mortgage;
- (c) The term of repayment; and
- (d) The rate of interest;

and a certificate of registration shall be endorsed on the mortgage and signed or initialled by the city chamberlain.

(3) In the case of a mortgage made and granted by the Corporation either before or after the commencement of this Part of this Order every assignment of the same

A.D. 1932.

granted after the commencement of this Part of this Order shall be intimated in writing to the Corporation at the office of the city chamberlain and the person making the intimation shall produce therewith such mortgage and the assignation thereof and the city chamberlain shall make or cause to be made an entry in the register of the date of any such assignation and of the names of the parties thereto and a certificate of registration signed or initialled by the city chamberlain shall be endorsed on the mortgage.

(4) On the renewal of a mortgage the city chamberlain shall enter or cause to be entered in the register the following particulars of such renewal (that is to say):—

- (a) The date of renewal;
- (b) The term of repayment under such renewal; and
- (c) The rate of interest for the period of the renewal.

(5) On the discharge of a mortgage the city chamberlain shall make or cause to be made in the register a note of such discharge and the date thereof.

(6) The whole expenses of and attending the making and granting of mortgages by the Corporation shall form a charge on the loans fund.

(7) A mortgage made and granted by the Corporation is and shall be moveable or personal estate and transmissible as such and shall not be deemed to be of the nature of heritable or real estate.

Power to
use sinking
fund &c.
instead of
borrowing.

133.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of any sinking fund belonging to or held by them.

(2) The Corporation may also instead of exercising such statutory borrowing power as aforesaid by the issue of any fresh security exercise the said power and raise the said moneys either wholly or partially by using any reserve depreciation renewal superannuation or other funds belonging to or held by them on account of or in connection with any of the departments administered by them or under their control.

(3) The employment of such money or funds shall be deemed to be an exercise of the statutory borrowing

power in respect of which such money or funds is so used and the Corporation shall make the same annual payments or contributions to the loans fund of the Corporation for interest and redemption as would have been payable under the Act or Order giving such statutory borrowing power if the money had been raised by the issue of stock or borrowed otherwise. A.D. 1932.

(D) CORPORATION STOCK.

134.—(1) Subject to the provisions of this Order the Corporation may from time to time by resolution create redeemable stock for the purpose of raising moneys which they are authorised to borrow and such stock may be issued from time to time for such amount within the limit of the borrowing power at such price to bear such half-yearly or other dividends and to be so transferable that is to say in books or by deed as the Corporation by resolution direct. Creation of Corporation redeemable stock.

(2) Stock so created shall be designated “Edinburgh Corporation four per cent. (or such other rate of dividend per cent. as shall be payable thereon) redeemable stock” (in this Part of this Order referred to as “Corporation stock”).

(3) The resolution for the first creation of any class of redeemable stock shall provide that such stock shall be redeemed by the Corporation at par at the expiration of a period to be fixed by the resolution not exceeding sixty years from the first creation of each class of redeemable stock and the resolution shall declare whether the stock shall be transferable in books or by deed.

135. All Corporation stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Order extinguished. Extinction of stock redeemed or purchased.

136.—(1) Where any security granted or created before or after the commencement of this Part of this Order by the Corporation under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with Payment off or substitution for existing securities.

A.D. 1932. money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 or in section 7 of the Lands Clauses Consolidation Act 1845 and thereby enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(5) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Appoint-
ment of
registrar
of stock.

137.—(1) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this Part of this Order as

they think expedient appoint and keep appointed an officer of the Corporation or other person or any bank or a banker as registrar for all or any of the purposes of the provisions relating to stock in this Part of this Order (in this Part of this Order referred to as "the registrar").

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(2) The Corporation in relation to the provisions of this Part of this Order in regard to stock and the registrar shall be deemed a banker within the Bankers Books Evidence Act 1879.

138.—(1) The Corporation or the registrar shall keep a register in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this Part of this Order referred to as "the Corporation stock register").

Corporation
stock
register.

(2) The Corporation stock register shall be prima facie evidence of any matter entered therein in accordance with this Part of this Order and of the title of the persons entered therein as stockholders.

139.—(1) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof specifying the amount of Corporation stock to which he is entitled (in this Part of this Order referred to as a "stock certificate").

Certificates
of pro-
priatorship
of stock.

(2) Every stock certificate shall be sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk.

(3) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assignees to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(4) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(5) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the stock certificate lost or destroyed.

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(6) An entry of the issue of a stock certificate or a substituted stock certificate as the case may be shall be made in the Corporation stock register.

Power for
stockholder
to transfer.

140. Subject to the provisions of this Order every stockholder may transfer all or any part of his stock.

Transfer in
books.

141. If the resolution for the first creation of any class of Corporation stock makes the same transferable in books the provisions of this section shall apply and have effect but not otherwise :—

- (1) The Corporation or the registrar shall keep books wherein transfers of Corporation stock so transferable shall be entered (in this Part of this Order referred to as "the Corporation stock transfer books") :
- (2) Every such entry shall be in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness :
- (3) Where any bank are the registrar such bank may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses :
- (4) The person to whom a transfer is made may if he think fit underwrite his acceptance thereof :
- (5) Except as otherwise provided in any other enactment and subject to the provisions of this Part of this Order respecting any portion of Corporation stock which the resolution for creation thereof makes transferable by deed and not in books no mode of transferring Corporation stock other than that prescribed in this section shall be good in law.

Transfer by
deed.

142. If the resolution for the first creation of any class of Corporation stock makes the same transferable by deed the provisions of this section shall apply and have effect but not otherwise :—

- (1) Every transfer of Corporation stock so transferable shall be by deed :
- (2) The deed of transfer shall relate only to the transfer and shall not contain any recital

trust power or proviso whatsoever but this provision shall not prevent any of the parties to the transfer being described as a trustee or as possessing any official character :

- (3) The deed of transfer when duly executed shall be delivered to the Corporation or the registrar and the Corporation or the registrar shall cause the deed of transfer to be preserved in a book to be called " the register of transfers of Corporation stock " :
- (4) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate :
- (5) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

143.—(1) The Corporation or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

Evidence
on transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar may require.

144.—(1) The Corporation or the registrar with the approval of the Corporation may as regards any portion of Corporation stock close the Corporation stock transfer books or the register of transfers of Corporation stock (as the case may be) on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than twenty-one days.

Closing of
transfer
books.

(2) The persons who on the day of closing are registered as stockholders shall as between them and the

A.D. 1932. transferees of Corporation stock be entitled to the dividend next payable thereon.

Stamp duty
on transfer.

145. Unless the Corporation have compounded for stamp duty at the date of the resolution of the first creation of Corporation stock all stock issued by the Corporation shall notwithstanding anything in any resolution of the Corporation be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Trans-
mission on
death &c.

146.—(1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation or the registrar for registration.

(3) If the interest in any Corporation stock has been transmitted in consequence of the bankruptcy of a stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar may require.

(4) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

(5) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6) In this section the expression "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

Payment of
dividends.

147. The Corporation may pay by the registrar the dividends on Corporation stock.

148. The Corporation or the registrar shall not be required to allow any executors or administrators to receive any dividend on Corporation stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation or the registrar for registration.

A.D. 1932.

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Dividends
to executors
&c.

149. The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar may require.

Evidence
of title.

150.—(1) Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation or the registrar by any other of them.

Dividends
to joint
holders.

(2) Where Corporation stock is standing in the name of a minor or infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar before acting on the letter of attorney may if they or he think fit require proof to their or his satisfaction of the alleged minority or infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

151.—(1) Unless where otherwise desired by a stockholder in writing his dividend warrant shall be sent to him by post to the address given by him to the Corporation or the registrar.

Dividend
warrants
by post.

(2) The posting by the Corporation or the registrar of a letter containing a dividend warrant addressed to a stockholder at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in

A.D. 1932. relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Provisions
respecting
stock certi-
ficates with
coupons to
bearer.

152.—(1) On demand of a stockholder the Corporation or the registrar may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for redemption of the stock.

(2) Notwithstanding anything in this Order a trustee shall not apply for purchase take or hold a Corporation stock certificate to bearer unless he is in express words authorised to do so by the instrument creating his trust and any contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or the registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his issuing to a trustee with or without notice a stock certificate to bearer or invalidate any stock certificate to bearer issued.

(3) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this Order.

(4) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation or the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable in the Corporation stock transfer books or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(5) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be

paid in respect of the stock therein specified for such period as the Corporation approve. A.D. 1932.

(6) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(7) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(8) Where any bank are the registrar coupons shall be payable at the chief establishment of the bank at the expiration of three clear days from the day of presentation and at any branch establishment of the bank at the expiration of five clear days from the day of presentation.

(9) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(10) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(11) All coupons issued under this Order in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(12) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable in books or by deed.

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Nature of
Corporation
stock
Notice of
trusts.

153.—(1) Corporation stock is personal property.

(2) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or shall affect the Corporation through the registrar or otherwise but this provision shall not prevent any stockholder from being described as a trustee or as possessing any official character.

Saving for
power of
revocation.

154. Notwithstanding anything in this Order the Corporation may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the Corporation if and as far as the same has not been acted on by the issue of stock thereunder.

Forgery.

155.—(1) Corporation stock shall be deemed capital stock of a body corporate within the Forgery Act 1861 as amended and extended to Scotland by the Forgery Act 1870.

(2) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

Regulations
by bank.

156. Where any bank are the registrar they may with the sanction of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this Part of this Order and may also from time to time make any regulations that are not inconsistent with this Part of this Order relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed :—

- (a) The period for which coupons are to be given ;
- (b) The mode in which the bank are to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer ;
- (c) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer ;

(d) With respect to anything necessary for carrying into effect the provisions of this Part of this Order which relate to or affect the bank. A.D. 1932.
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157. The forms given in the Eleventh Schedule to this Order may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes. Forms.

158. Fees not exceeding those specified in the Twelfth Schedule to this Order may be taken by or on behalf of the Corporation in the cases therein mentioned. Fees.

(E) LOANS FUND.

159. The Corporation shall establish and administer a fund to be called "the loans fund" applicable to all moneys borrowed or to be borrowed by the Corporation and the redemption or repayment thereof and the payment of interest or dividends thereon and the existing loans fund of the Corporation shall be merged in the said loans fund as at the commencement of this Part of this Order. The loans fund shall be applied and administered by the Corporation in accordance with the rules and regulations contained in the Thirteenth Schedule to this Order. Establish-
ment of
loans fund.

160.—(1) If at any time any interest or dividend payable out of the loans fund is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime. Unclaimed
dividends.

(2) When any interest or dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the security holder named in their books by the description and at the address therein appearing and shall also publish an advertisement in a newspaper circulating in the city stating that such interest or dividend remains unclaimed.

161. A person taking or holding any security issued by the Corporation under the authority of this Order shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any Protection
of holders
of Corpora-
tion
securities.

A.D. 1932. — statutory borrowing power of the Corporation or otherwise in accordance with this Order or whether or not the Corporation or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Corporation or Committee thereof were legal or regular or to see to the application of any money borrowed or be answerable for any loss or misapplication thereof.

Appoint
ment of
judicial
factor.

162.—(1) In the event of any principal money borrowed or continued on loan by the Corporation under this Order or any interest or dividend thereon not being paid within two months after such payment is due and demand thereof is made in writing any creditor therein holding any document of debt or assignation thereof to the amount of five thousand pounds or any creditors therein holding together documents of debt or assignation thereof to the amount of ten thousand pounds may apply to the Court of Session by summary petition for the appointment of a judicial factor and the court may appoint a judicial factor on such terms as it thinks fit.

(2) The judicial factor shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this Part of this Order into the loans fund and of assessing making and recovering all rates and revenues for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this Part of this Order.

(3) For the purpose of this section the expression “document of debt” shall include—

Stock certificates mortgage deeds annuity certificates temporary loan receipts cash credit bonds bills payable promissory notes payable or any other security for loans raised or issued by the Corporation.

Power to
lend to
certain
bodies.

163.—(1) Subject to the provisions of this Order the Corporation may from time to time advance by way of loan to the Dock Commission or to the governors of Heriot-Watt College (hereinafter referred to as “the borrowing authorities”) such sum or sums of money as the borrowing authorities are by law for the time being authorised to borrow and are desirous of borrowing from

the Corporation and that upon the security of any property rates assessments rents revenues or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

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(2) Any sum or sums which the Corporation shall resolve to lend as aforesaid may be lent from the loans fund.

(3) The following provisions shall apply to moneys raised by the Corporation for the purposes of this section and to the payments of interest and principal in respect thereof :—

(a) The sum shall be advanced by the Corporation to the borrowing authorities for a period not exceeding that for which the borrowing authorities are authorised to borrow the same and with a provision for repayment by annual instalments or otherwise as the Corporation and the borrowing authorities may agree ;

(b) All sums received for interest shall be credited to the interest account in the loans fund ;

(c) All sums received for principal shall be applied as in the manner directed in sub-clause (3) of the clause of the Thirteenth Schedule to this Order the marginal note whereof is " Payments to loans fund " ;

(d) If any sum payable to the Corporation for principal shall not be received within six months of the time appointed for the payment thereof a like sum shall be raised by means of the burgh assessments and applied or invested in place thereof by the Corporation and if after such application or investment the sum or any part thereof shall be received by the Corporation the same shall be carried to the credit of the burgh assessments ;

(e) The Corporation may charge to the borrowing authority such proportion of management expenses in connection with the loans fund as they think fit.

(F) MISCELLANEOUS FINANCIAL PROVISIONS.

164. The provisions of this Order shall not prejudice or affect the provisions of Part III. (Old city debt &c.)

Old city
debt &c.

A.D. 1932.

of the Stock Act of 1894 and notwithstanding any repeal by this Order the provisions of the said Part of the Stock Act of 1894 shall continue in operation.

Gas
annuities.

165. The provisions of this Order shall not prejudice or affect the provisions of section 28 to section 51 inclusive of the Act of 1888 with reference to gas annuities and notwithstanding any repeal by this Order the provisions of the said sections of the Act of 1888 as amended by section 20 of and the Second Schedule to the Order of 1921 shall so far as in force at the commencement of this Part of this Order continue in operation the Corporation being substituted for the commissioners referred to therein.

Assessments
on mills and
works on
water of
Leith.

166. The provisions of this Order shall not prejudice or affect the provisions of the Act of 1889 as amended by the Act of 1920 in regard to assessments on mills and works on the water of Leith and sections 81 and 82 of the Act of 1889 section 127 of the Act of 1920 and section 194 of the Streets Order of 1926 shall so far as in force at the commencement of this Part of this Order and notwithstanding any repeal by this Order continue in operation the Corporation being substituted for the landward local authorities and the commissioners referred to therein.

Creation of
reserve or
renewal
funds.

167. Subject to the provisions of this Order and of the Electricity (Supply) Acts 1882 to 1928 and of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with the Edinburgh Corporation Electric Lighting (Extension) Order 1914 the Corporation may establish and administer such reserve depreciation or renewal funds for such of their departments or undertakings as from time to time shall seem to the Corporation to be necessary or desirable. Provided that the amount from time to time standing to the credit of any reserve depreciation or renewal funds shall not exceed one-tenth of the aggregate capital expenditure of the particular department or undertaking.

Investment
of reserve
funds &c.

168. The Corporation may invest in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest including stock or securities of the Corporation any reserve depreciation renewal superannuation or other funds belonging to or held by them on account of or in

connection with any of the departments or undertakings administered by them or under their control. A.D. 1932.

169. The magistrates and council may out of the burgh assessments defray to such extent as they think proper such claims for damages sustained in consequence of any riot or tumult as may be established to their satisfaction. Payment of damages occasioned by riot.

170. The Corporation may contribute out of the burgh assessments to any house of refuge or other charitable institution the rules whereof shall be approved by them any sum not exceeding for all contributions made in pursuance of this section six hundred pounds yearly. Contributions to charities.

171. Notwithstanding anything to the contrary contained in the Lands Valuation (Scotland) Acts the valuation roll for the city shall be made up and assessments shall be levied and payable as from the twenty-eighth day of May in one year to the twenty-eighth day of May in the following year. Valuation roll year.

172. The burgh assessor may and is hereby authorised to make up a supplementary valuation roll on or before the twenty-eighth day of February in each or any year showing the proportion of the annual value and all other particulars for the period of occupancy subsequent to the twenty-eighth day of May preceding and up to the twenty-eighth day of May succeeding of all lands and heritages omitted from the principal valuation roll for the year then current or that may have come into existence or occupancy after the completion of such principal roll or during the year from the twenty-eighth day of May to the twenty-eighth day of May then current subject always to the like or similar provisions as to notices appeals and courts for hearing the same and liability of parties as are provided in the Lands Valuation (Scotland) Acts with regard to the principal roll. Supplementary valuation roll.

173. The Corporation may pay such retiring or other allowances to officers or servants incapacitated from service by age or otherwise who are in any capacity serving or have served or been employed by the Corporation and upon whom the Corporation may in their discretion think fit to confer any retiring or other allowance Provided that the terms of section 33 of the Education (Scotland) Act 1908 are observed in regard to Retiring allowances to servants.

A.D. 1932. such officers and servants as are referred to in the said section.

Surplus
fire fund.

174. Whereas a fund (in this section referred to as "the fund") was raised by voluntary subscriptions to relieve the sufferers by a great fire which occurred in the city in November one thousand eight hundred and twenty-four which fund amounted to the sum of eleven thousand seven hundred and twenty-seven pounds :

And whereas a sum of seven thousand pounds or upwards was expended in relief of sufferers by the said fire leaving an unexpended balance of four thousand one hundred and six pounds or thereby :

And whereas the committee administering the fund called a meeting of subscribers for the purpose of determining the most appropriate application of the said balance of the fund and at the said meeting of subscribers held on the thirtieth day of December one thousand eight hundred and twenty-five it was resolved that the fund should be vested in trust for the following purposes viz. :—

" (First) For paying or rewarding in the event of an extraordinary and extensive fire in Edinburgh or Leith any prominent and well certified instances of peculiar activity and exertion in the firemen or others employed on the occasion and especially for the rescue of human life ; "

and

" (Secondly) For relieving and remunerating any persons especially firemen and others employed upon the fire establishment who shall suffer any serious bodily injury by fire and for extending adequate relief or support to the widows and orphans of any whose lives may fall a sacrifice upon such occasions and that no part shall be applied for losses of property in future " :

And whereas at the said meeting of subscribers trustees (consisting of the lord provost of Edinburgh and other persons ex-officiis) were appointed to take over and administer the fund and such trustees have since carried on the administration of the fund :

And whereas the annual revenue of the fund has generally exceeded the expenditure and the amount of the fund as at the thirty-first day of December one

thousand nine hundred and twenty-six was sixteen thousand and twelve pounds : A.D. 1932.

And whereas by the Order of 1927 the fund was transferred to the Corporation and has since been administered by them Be it therefore enacted that the amount standing at the credit of the fund at the commencement of this Part of this Order shall continue to be vested in the Corporation and the Corporation are hereby authorised to use and apply the same for the purposes or any of them to which the fund might before the commencement of the Order of 1927 have been applied or for providing pensions allowances or gratuities for the widows children or dependants of men who are or have been professional firemen and members of the fire brigade of the Corporation.

175. Nothing in or done under this Part of this Order shall affect any existing security created or granted by the Corporation or their authors before the commencement of this Part of this Order and chargeable upon the funds rates and revenues of the Corporation or any portion thereof. Saving for existing securities.

PART V.

TOWN PLANNING.

176. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the city notwithstanding that the land in that area or any part thereof is already built upon or developed at the time of the making of such scheme and the provisions of the Town Planning (Scotland) Act 1925 (in this Part of this Order referred to as "the Act of 1925") shall subject to the provisions of this Part of this Order apply to the making of any such scheme and to any such scheme when made. Power to make town planning schemes with reference to developed lands.

177. The purposes for which land may be purchased by the Corporation under a town planning scheme made pursuant to this Part of this Order shall include— Purposes for which land may be purchased.

- (a) the purpose of carrying out or securing the improvement or satisfactory development of frontages to or of lands abutting on or adjacent to any public street or road or any proposed street or road which is to be constructed solely or partly at the public expense; and

A.D. 1932.

(b) the purpose of securing the satisfactory development of any land in accordance with the provisions of the scheme in any case where by reason of the land being held in plots which are of inconvenient size or shape or of which the arrangement or alignment is inconvenient or by reason of the multiplicity of interests in the land or by reason of the fact that the land is being used in a manner or for purposes inconsistent with the provisions of the scheme it does not appear to be reasonably practicable for the Corporation to secure such development otherwise than by their purchase of the land.

As to
properties
of which
parts only
are required,

178.—(1) Section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Order but if the owner of or any person interested in any house or other building or manufactory in respect of which the Corporation have served upon him notice to treat for a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbiter to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbiter") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed,

(2) If the arbiter determine that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying

such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbiter. A.D. 1932.

(3) If the arbiter determine that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbiter may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this subsection shall be borne and paid by such owner or other person.

(4) If the arbiter determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbiter determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbiter shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

179.—(1) The provisions of paragraph (2) of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Order except in so far as they relate to any land which has been acquired for the purposes of a railway dock or Restriction on rights of purchase in certain cases.

A.D. 1932.

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canal but the Corporation shall not be entitled to purchase compulsorily any land which has been acquired by any company body or person for the purposes of a public undertaking other than a railway dock or canal without the consent of such company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Department of Health for Scotland (in this Part of this Order referred to as "the department").

(2) The Corporation shall not be entitled to purchase compulsorily any land which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house without the consent of the owner of such land but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by the department.

Limitation
on require-
ments under
scheme.

180. No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

- (a) to require the demolition removal or alteration of any building existing at the date of the approval of the scheme by the department or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose.

Modifica-
tions of
section 10 of
Act of 1925.

181. For the purposes of subsection (2) of section 10 of the Act of 1925 the date of the approval by the department of a town-planning scheme under this Part of this

Order shall be substituted for the several dates referred to in that subsection. A.D. 1932.

182. Any person who has any interest in property which is injuriously affected by a town planning scheme made pursuant to this Part of this Order whether as owner bondholder lessee or occupier thereof (including an interest in any trade or business carried on thereon) shall be entitled to compensation under the provisions of section 10 of the Act of 1925 as modified in their application to such a scheme by the provisions of the immediately preceding section of this Order.

Compulsory purchase and injurious affection of lands.

183.—(1) Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Order relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made under the Act of 1925 or any Act repealed thereby to be given by the Corporation in connection with the preparation of such scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company :

Registration of ownership of land and service of notices.

Provided that the Corporation shall (a) in any notice advertised by them pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid have given notice of the effect of the provisions of this section and (b) have served a like notice on the owner (according to the valuation roll) of every land and heritage to which the scheme is to apply.

(2) For the purposes of this section "the valuation roll" means the valuation roll for the year current at the time when the notice is given or if the notice is given after the twenty-eighth day of May and before the first day of October in any year the valuation roll for the preceding year.

A.D. 1932.

PART VI.

MISCELLANEOUS.

Deputy
chairman of
Corporation.

184. Notwithstanding anything contained in the Town Councils (Scotland) Act 1900 the Corporation may appoint annually in the month of November a member of the Corporation to be deputy chairman for the ensuing year who in the absence of the lord provost shall preside at all meetings of the Corporation and when so presiding shall have all the rights powers and privileges of a chairman of a meeting of the Corporation.

Power to
make
surface
water drain.

185. Section 141 (Power to make sewers) of the Streets Order of 1926 shall be read and construed as if the words "or surface water drain" were inserted after the word "sewer" occurring in the said section.

Abolition of
Leith police
court.

186.—(1) Section 59 (Police courts) of the Act of 1920 shall be and the same is hereby repealed.

(2) For the purposes of this section the provisions of section 27 of and the Second Schedule to the Rating (Scotland) Act 1926 (relating to transfer of and compensation to officers) shall apply as respects the depute clerk of the burgh court at Leith as they applied to and as respects officials of parish councils and rating authorities respectively who were affected by the provisions of the Rating (Scotland) Act 1926.

Abolition of
Portobello
police court.

187. Section 70 (Police courts at Portobello) of the Extension Act of 1896 shall be and the same is hereby repealed.

Rearrange-
ment of re-
gistration
districts.

188.—(1) Notwithstanding the provisions of the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1910 (hereinafter in this section referred to as "the Registration Acts") the Corporation may for the purposes of any rearrangement of the registration districts of the city effected under the Registration Acts and with the approval of the Registrar General for Scotland (a) transfer any registrar of births deaths and marriages of any such district or any assistant registrar or clerical assistant of any such registrar to another district or (b) terminate the appointment of any such registrar assistant registrar or clerical assistant
Provided that—

(i) every such registrar and assistant registrar employed at the commencement of this Order

and every such clerical assistant so employed and being at the date of any such rearrangement of districts in full time employment on the work of registration or on such work in conjunction with work of the Corporation who in consequence of such rearrangement or by virtue of this section or anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of salary fees or emoluments shall be entitled to compensation; and

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- (ii) every such registrar employed at the commencement of this Order who on any rearrangement as aforesaid is required to perform duties which are an unreasonable addition to those which he was required to perform before such rearrangement may relinquish his office and thereupon shall be entitled to compensation.

(2) Compensation shall be payable by the Corporation and the provisions contained in the Second Schedule to the Rating (Scotland) Act 1926 as read with section 7 of the Local Government (Scotland) Act 1929 shall have effect subject to the necessary modifications for the purpose of the determination and payment of compensation. Provided that (a) the reference to "the commencement of this Act" in paragraph (3) of the said schedule shall be construed as a reference to the date of any such rearrangement of districts and (b) regard shall be had to the emoluments which a registrar assistant registrar or clerical assistant acquires by appointment to any office in the service of the Corporation or to any office under the Registration Acts in the city or elsewhere.

(3) Notwithstanding anything in the Registration Acts a registrar may have his known place of business or office at such place outside of the district for which he is registrar as the Corporation with the approval of the Registrar General may deem expedient.

189. Notwithstanding the provisions of subsection (1) of section 10 of the Order of 1930 the expression "officer or servant" shall for the purposes of the superannuation scheme of the Corporation include the medical superintendent of the mental hospital of the Corporation known as Bangour Village where such medical superintendent also holds the appointment of medical officer

Super-
annuation
of medical
officer in
charge of
mental
services.

A.D. 1932.

in charge of the mental health services of the Corporation
Provided that any service prior to his appointment as
aforesaid which such officer shall be entitled to reckon for
the purposes of superannuation under the Asylums
Officers Superannuation Act 1909 and the Asylums and
Certified Institutions (Officers Pensions) Act 1918 shall
be reckoned as approved service for the purposes of the
superannuation scheme of the Corporation and the
Corporation shall be entitled to call upon any local
authority having control of an asylum or certified institu-
tion in which such officer may have been employed before
entering the service of the Corporation to contribute in
terms of section 12 of the Asylums Officers Super-
annuation Act 1909 a proportionate part reckoned accord-
ing to the provisions of that section of the superannuation
allowance to such officer.

Nuisance
by dogs.

190. Every person in charge of a dog in any street
and having the dog on a lead who shall allow or permit
such dog to deposit its excrement upon a footway shall be
liable to a penalty not exceeding forty shillings.

Transfer of
functions
from
magistrates
to Cor-
poration.

191. Subject to the provisions of this Order and
notwithstanding any statutory provision to the contrary
all the administrative powers and duties of the magistrates
under and for the purposes of the Weights and Measures
Acts 1878 to 1926 and the Edinburgh Municipal and
Police Acts shall be transferred to and vest in the
Corporation.

Provision
as to
painting of
buildings.

192.—(1) If having regard to the site of any building
and its surroundings the Corporation should be of opinion
that the painting or decoration of any external wall door
window shop sign or railing (hereinafter in this section
referred to as "external portion") of any such building
is such as to affect amenity injuriously the Corporation
shall be entitled to call upon the owner or occupier of such
building by notice under the hand of the burgh engineer to
re-paint or re-decorate such external portion to their
satisfaction and in such a way as not to be injurious to
amenity and that within twenty-one days from the date
of the notice and such notice shall contain a specification
of the re-painting or re-decoration which will be required
in order to remove the injury to amenity complained of.

(2) If before the expiry of the period of twenty-one
days referred to in any notice under the provisions
of the preceding subsection the person upon whom the

notice is served intimates in writing to the town clerk that he desires to appeal to the standing advisory committee constituted in terms of section 44 (External elevation of buildings &c.) of the Streets Order of 1926 on the question of whether or not the painting or decoration of the external portion complained of is injurious to amenity the Corporation shall suspend further action on the said notice and submit the appeal to the advisory committee whose decision thereon shall be final and binding. A.D. 1932.

(3) Any person failing within twenty-one days of the date of the notice or in the case of an appeal within twenty-one days of the intimation to the appellant of the decision of the standing advisory committee refusing the appeal to re-paint or re-decorate as required in the said notice shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding ten shillings for every day or part of a day during which the contravention continues.

(4) The provisions of this section shall not apply to any painting or decoration carried out prior to the commencement of this Order nor to the painting or decoration of the external portion of any building in any case where such painting or decoration shall be carried out in accordance with particulars previously submitted to and approved of by the Corporation nor to any property owned or occupied by the Dock Commission or by any railway company.

193. Notwithstanding any other provision in the Edinburgh Municipal and Police Acts the following provisions shall apply and have effect with respect to the development of or building on unfeued or unbuilt upon land alongside any existing road or street within the city :—

Building development alongside existing roads.

(1) Where it appears to the Corporation that the character of an existing road or street will be altered in consequence of building or other operations the Corporation may by order declare such road or street or such portion thereof as may be specified in the order to be a new street for the purpose of the application thereto of the provisions of the Streets Order of 1926 with respect to new streets :

(2) Not less than one month before making an order under this section the Corporation shall cause

A.D. 1932.

notice of the intended order to be advertised in a newspaper circulating within the city and notice of the intended order shall also be posted at each end of the road or street or part thereof or in some conspicuous position in the road or street or part thereof :

- (3) Every such notice shall contain a statement that the intended order may be made by the Corporation at any time after the day named in the notice and that any person who feels aggrieved by the intended order may lodge written objections against the same with the town clerk within the said period of one month. The Corporation shall consider such objections and shall give the objector an opportunity of being heard and thereupon the Corporation may at their discretion proceed with the said order or make such alterations thereon as they judge fit or abandon the same. In the event of the Corporation deciding to proceed with the said order with or without alterations thereon they shall as soon as may be after so deciding intimate by notice their decision to such objector and any such objector considering himself aggrieved by such decision may appeal thereagainst to the sheriff provided that within one month after the date of the notice intimating such decision the objector so appealing gives written intimation of his appeal and the grounds thereof to the town clerk and in the event of any such appeal being made the sheriff shall take such decision into consideration along with the appeal and shall have power to make such order thereon as he thinks fit and the order of the sheriff shall be final as regards the said decision and shall not be subject to appeal to any court :
- (4) Upon an order under this section coming into operation any person who shall commence to erect a new building upon land abutting on or adjoining the road or street by the order declared to be a new street shall in relation to that land be deemed to be laying out a new street within the meaning of the provisions of the Streets Order of 1926 with respect to new streets :

A.D. 1932.

- (5) Before disposing of any application for the approval of plans of a new street submitted under the provisions of this section the Corporation may require the owners of the land adjoining the road or street to submit for the approval of the Corporation a scheme of development of such land wherein provision shall be made so far as the Corporation may deem the same to be necessary for opening up the adjoining or backlying land by means of cross-streets connecting with the existing road or street or otherwise :
- (6) For the purpose of this section the expression "road or street" shall mean any existing road or street which has not been made in accordance with the provisions of the Edinburgh Municipal and Police Acts :
- (7) Nothing in this section shall extend to a building (other than a dwelling-house) erected by a railway company in the exercise of their statutory powers and occupied or used or intended to be occupied or used for the purposes of their railway :
- (8) This section shall not apply to any property owned or occupied by the Dock Commission.

194. Any owner who proposes to erect a building in a public street where there is no existing footway between the carriageway of such street and the lands upon which the building is proposed to be erected or a footway of less width than five feet shall make provision on the land belonging to him for a footway of such breadth not exceeding five feet as the Corporation shall direct and before such building is occupied the owner shall cause such footway to be well and sufficiently paved or constructed with such material and in such manner and form and of such breadth not exceeding five feet as the Corporation may direct. Provided that such footway on being paved or constructed to the satisfaction of the Corporation shall vest in the Corporation and shall thenceforth be maintained by them. Provided further that this section shall not apply to any property owned or occupied by the Dock Commission.

Formation
of footways
in front of
new build-
ings.

195. Except as otherwise by this Order provided all prosecutions and proceedings under this Order or under

Prosecu-
tions in
burgh court.

A.D. 1932.

the Acts incorporated herewith may proceed and be conducted in the burgh court under and in conformity with the provisions of the Edinburgh Municipal and Police Acts and the Summary Jurisdiction (Scotland) Acts and shall be at the instance of the city prosecutor Provided that where such prosecutions and proceedings are instituted for the recovery of penalties fines or forfeitures from the Corporation they shall proceed before the sheriff (who is hereby authorised to determine the same in a summary manner) and shall be at the instance of the procurator-fiscal of the sheriff court or where power is conferred by the incorporated Acts upon any person to recover penalties fines or forfeitures thereunder at the instance of such person.

Recovery
and appli-
cation of
penalties.

196. Except as otherwise by this Order provided all penalties in respect of offences against this Order or against any byelaws or regulations made thereunder may be recovered by the city prosecutor in the burgh court and shall be paid to the Corporation and carried to the credit of the appropriate account Provided that all penalties imposed on or recovered from the Corporation shall be paid to the King's and Lord Treasurer's Remembrancer where the prosecution is at the instance of the procurator-fiscal of the sheriff court or to such person as is authorised by the incorporated Acts to recover the same where the prosecution is at the instance of such person.

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

197. The Corporation or any other body or person shall not under the powers of this Order construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove

the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

A.D. 1932.

198. In respect of the exercise of any powers or duties conferred or imposed on the Minister of Transport or the giving by him of any consents under this Order the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by
Minister of
Transport.

199. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Corporation or any other body or person 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.

Crown
rights.

200. The provisions of section 15 (Allowances for previous services) of the Order of 1930 in regard to transferred superannuation funds shall apply and have effect as if the period of forty years for the equal annual charge therein referred to commenced on the fifteenth day of May one thousand nine hundred and twenty-nine and the said section is hereby amended accordingly.

Allowances
for previous
services
under
transferred
super-
annuation
funds.

201. Subject to the provisions of this Order the provisions of the Acts and Orders specified in the Fourteenth Schedule to this Order (in this Order referred to as "the

Repeal of
Acts &c.

A.D. 1932. repealed Acts") are hereby repealed to the extent indicated in the third column of that schedule Provided that in respect of any repeal consequent upon the provisions contained in Part IV (Finance and assessments) of this Order such repeal shall not take effect until the commencement of the said Part IV of this Order and the section of this Order the marginal note of which is "Saving from effect of repeal" shall be read and construed accordingly.

Saving from
effect of
repeal.

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

- (a) All property vested in the Corporation at the commencement of this Order for the purpose of any department of the Corporation to which the provisions of this Order apply shall continue vested in the Corporation and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases way-leaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed;
- (b) All existing annuities bonds mortgages or other securities made granted payable or created by the Corporation or their authors under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;
- (c) All actions arbitrations submissions prosecutions and proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Order in the execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by or against the Corporation as if the Act confirming this Order had not been passed;

- (d) All existing byelaws rules regulations orders and licences in execution of or in relation to any of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order ;
- (e) All rates rents tolls charges and other sums at the commencement of this Order due to the Corporation under or in respect of any of the provisions of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed ;
- (f) All books registers deeds documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed ;
- (g) All plans sections and books of reference and all corrections and certificates of correction thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed ;
- (h) Any agreement or document relating to the provisions of any of the repealed enactments which are re-enacted in this Order shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Order.

(2) The mention of particular matters in this section or in the immediately preceding section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

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

Expenses
of Order .

A.D. 1932. The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

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

PART I.—EXISTING TRAMWAYS.

| Tramway No. | Description of the Tramways and of the Streets along which the same are laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|-------------|--|--|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| 1 | From Corstorphine to Edinburgh General Post Office by way of St. John's Road Corstorphine Road Western Terrace Roseburn Terrace West Coates Haymarket Terrace West Maitland Street Coates Place Shandwick Place and Princes Street - - | 4 | 2 | 84 | — | | |
| 2 | From West Maitland Street (junction with No. 1) to Stenhouse by way of Haymarket Dalry Road and Gorgie Road - | 2 | 1 | 145 | — | | |
| 3 | From Dalry Road (junction with No. 2) to Slateford by way of Ardmillan Terrace and Slateford Road - - - - | 1 | 1 | 15 | 0 | 0 | 62 |
| 4 | From Princes Street (junction with No. 1) to Braid Hills by way of Lothian Road Earl Grey Street Tollcross Home Street Leven Street Bruntsfield Place Morningside Road Comiston Road and Greenbank Terrace - | 2 | 4 | 154 | 0 | 0 | 52 |
| 5 | From Leven Street (junction with No. 4) to Colinton by way of Gilmore Place Granville Terrace Polwarth Gardens Polwarth Terrace and Colinton Road - | 3 | 0 | 206 | 0 | 0 | 375 |
| 6 | From Tollcross (junction with No. 4) to Beaufort Road (junction with No. 9) by way of Brougham Street and Place Melville Drive and Marchmont Road - - - - | 0 | 6 | 125 | — | | |

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| Tramway No. | Description of the Tramways and of the Streets along which the same are laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|-------------|---|--|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| 7 | From Melville Drive (junction with No. 6) to Clerk Street (junction with No. 10) by way of Melville Drive and Hope Park Terrace - - - - | 0 | 4 | 175 | — | | |
| 8 | From Home Street (junction with No. 4) to The Mound (junction with No. 1) by way of Home Street Lauriston Place Forrest Road George IV. Bridge Bank Street and The Mound - - | 1 | 1 | 2 | — | | |
| 9 | From Morningside Road (junction with No. 4) to Newington Road (junction with No. 10) by way of Churchhill Strathearn Place Strathearn Road Beaufort Road Grange Road and Salisbury Place - - - - | 1 | 1 | 182 | 0 | 0 | 203 |
| 10 | From Edinburgh General Post Office (junction with No. 1) to Liberton by way of North Bridge South Bridge Nicolson Street Clerk Street Newington Road Minto Street Mayfield Gardens Craigmillar Park and Liberton Brae - - - - | 3 | 1 | 71 | — | | |
| 11 | From Shandwick Place (junction with No. 1) to St. Andrew Square (junction with No. 12) by way of Hope Street Charlotte Square George Street and the north and south sides of St. Andrew Square - - - - | 0 | 7 | 105 | — | | |
| 12 | From Princes Street (junction with No. 1) to Union Place (junction with No. 16) by way of South St. Andrew Street North St. Andrew Street York Place and Picardy Place - - | 0 | 4 | 11 | — | | |
| 13 | From Princes Street (junction with No. 1) to Ferry Road (junction with No. 22) by way of Hanover Street Dundas Street Pitt Street Brandon Street Canonmills Warriston Place Howard Place Inverleith Row and Montague Street - | 1 | 3 | 210 | — | | |

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| Tramway No. | Description of the Tramways and of the Streets along which the same are laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|-------------|--|--|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| 14 | From Princes Street (junction with No. 1) to Craigleith Road by way of Frederick Street Howe Street S.E. Circus Place Royal Circus N.W. Circus Place Spring Gardens Kerr Street Deanhaugh Street Raeburn Place Mary's Place and Comely Bank Road - - - - - | 1 | 3 | 64 | — | | |
| 15 | From Edinburgh General Post Office (junction with No. 1) to Joppa by way of Waterloo Place Regent Road Norton Place London Road Piersfield Terrace Moira Terrace Portobello High Street Abercorn Terrace and Joppa Road - - | 3 | 7 | 189 | — | | |
| 16 | From Edinburgh General Post Office (junction with No. 1) to Portobello High Street (junction with No. 15) by way of Leith Street Union Place Greenside Place Elm Row Leith Walk Duke Street Vanburgh Place Hermitage Place Gladstone Place Claremont Park Seafield Place and Seafield Road - - - - - | 3 | 6 | 96 | 0 | 0 | 103 |
| 17 | From Leith Street (junction with No. 16) to Canonmills (junction with No. 13) by way of Broughton Street Mansfield Place and Rodney Street - - - - | 0 | 5 | 175 | 0 | 0 | 32 |
| 18 | From Union Place (junction with No. 16) to Abbey Church (junction with No. 15) by way of London Road and E. Norton Place - - - - - | 0 | 5 | 2 | — | | |
| 19 | From Pilrig (junction with No. 16) to Trinity (junction with No. 20) by way of Pilrig Street Bonnington Newhaven Road Stanley Road and Craighall Road - - - - - | 1 | 3 | 213 | 0 | 0 | 97 |

A.D. 1932.

| Tramway No. | Description of the Tramways and of the Streets along which the same are laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|-------------|--|--|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| 20 | From Leith Walk (junction with No. 16) to Granton (junction with No. 22) by way of Constitution Street Bernard Street Commercial Street Lindsay Road Annfield Newhaven Main Street Pier Place Starbank Road and Lower Granton Road | 2 | 5 | 175 | 0 | 0 | 97 |
| 21 | From Leith Walk (junction with No. 16) to Commercial Street (junction with No. 20) by way of Great Junction Street North Junction Street and Portland Place | 0 | 5 | 40 | — | — | — |
| 22 | From Granton (junction with No. 20) to Great Junction Street (junction with No. 21) by way of Granton Road Inverleith Gardens and Ferry Road | 2 | 2 | 118 | — | — | — |
| | Total | 40 | 7 | 137 | 0 | 4 | 141 |
| | Total reduced to single track | — | — | — | 82 | 3 | 195 |

PART II.—AUTHORISED TRAMWAYS.

| Tramway Authorised by | Short description of the Tramways and of the Streets along which the same are authorised to be laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|-----------------------------------|--|--|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| Edinburgh Corporation Order 1927. | From Corstorphine Road (junction with existing Tramway No. 1 in Part I. of this schedule described) to a point 390 yards westwards from the road giving access to North Gyle by way of Corstorphine Road | 0 | 6 | 22 | — | — | — |

A.D. 1932.

| Tramway Authorised by | Short description of the Tramways and of the Streets along which the same are authorised to be laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|---|---|---|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| Edinburgh Corporation Order 1927. | From Gorgie Road (junction with existing Tramway No. 2 in Part I. of this schedule described) to a point 59 yards westwards from the west side of Saughton Road by way of Gorgie Road | 0 | 0 | 95 | — | | |
| | Total - - - - | 0 | 6 | 117 | — | | |
| | Total reduced to single track - - - - | — | | | 1 | 5 | 14 |

PART III.—MUSSELBURGH TRAMWAYS.

| Tramway No. | Description of the Tramway and of the Streets along which the same is laid. | Length excluding Crossovers Sidings and Junctions. | | | | | |
|----------------|---|---|----|------|---------------|----|------|
| | | Double Track. | | | Single Track. | | |
| | | M. | F. | YDS. | M. | F. | YDS. |
| 23 | From Joppa (junction with existing Tramway No. 15 in Part I. of this schedule described) to Ravenshaugh Bridge by way of Seaview Terrace Eastfield Magdalene Bridge North High Street Bridge Street High Street Linkfield Road and Ravenshaugh Road - - - | 2 | 3 | 79 | 0 | 7 | 97 |
| | Total - - - - | 2 | 3 | 79 | 0 | 7 | 97 |
| | Total reduced to single track | — | | | 5 | 6 | 35 |

THE SECOND SCHEDULE.

A.D. 1932.

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement as to Musselburgh tramways.")

AGREEMENT between THE LORD PROVOST MAGISTRATES and COUNCIL OF THE CITY OF EDINBURGH (hereinafter called "the Corporation") on the one part and THE MUSSELBURGH AND DISTRICT ELECTRIC LIGHT AND TRACTION COMPANY LIMITED (hereinafter called "the Company") on the other part.

WHEREAS tramways were constructed from the termination of the Corporation tramway at Joppa in the city of Edinburgh to Port Seton in the county of East Lothian in virtue of the following Statutory provisions viz. the Portobello and Musselburgh Tramways Order 1900 as confirmed by the Tramways Orders Confirmation (No. 3) Act 1900 the Portobello and Musselburgh Tramways Order 1903 as confirmed by the Tramways Orders Confirmation (No. 1) Act 1903 the Portobello and Musselburgh Tramways (Amendment) Order 1905 as confirmed by the Tramways Orders Confirmation (No. 2) Act 1905 the Portobello and Musselburgh Tramways (Port Seton Extension) Order 1906 as confirmed by the Tramways Orders Confirmation Act 1906 the Portobello and Musselburgh Tramways (Port Seton Deviation) Order 1907 as confirmed by the Portobello and Musselburgh Tramways (Port Seton Deviation) Order Confirmation Act 1907 and the Portobello and Musselburgh Tramways (Levenhall Extension) Order 1907 as confirmed by the Portobello and Musselburgh Tramways (Levenhall Extension) Order Confirmation Act 1907 :

And whereas the said tramways so constructed became vested in the Company :

And whereas by agreement entered into between the Corporation and the Company dated seventh and thirteenth June nineteen hundred and twenty-three the parties granted to each other certain through running powers over the tramway systems belonging to them respectively between Waterloo Place Edinburgh and Port Seton :

And whereas the Company in or about nineteen hundred and twenty-eight discontinued the running of tramway cars belonging to them over their said tramway lines :

And whereas by supplementary agreement entered into between the Corporation and the Company dated first and seventh March nineteen hundred and twenty-nine the said through-running

A.D. 1932. was continued by means of the tramway cars of the Corporation but only over the portions of the Company's said tramways from Joppa to Levenhall Post Office :

And whereas the portion of the said tramways situated in the county of East Lothian was abandoned in accordance with the provisions of the Musselburgh and District Electric Tramways (Cesser of Powers) Order 1929 :

And whereas the Company has made an arrangement for the sale by the Company to the Corporation of the remainder of the said tramways vested in the Company but the Corporation cannot carry out the arrangement without obtaining further parliamentary powers :

And whereas the Company at present run and propose to continue to run motor omnibuses between Waterloo Place Edinburgh and Levenhall Post Office and eastward thereof :

Therefore the parties agree as follows :—

First The Corporation shall in a Provisional Order to be promoted by them in the present session of Parliament include clauses which will have the effect if passed of giving them parliamentary powers to carry out the provisions of this agreement and to run a service of tramway cars over the said tramway lines between the termination of their present tramways at Joppa eastwards to and including the feeder pillar eastwards of Levenhall Post Office and the Corporation shall use their best endeavours to get the said clauses carried into law.

Second The Company hereby agree to sell to the Corporation and the Corporation hereby agree subject to the powers referred to in Article First hereof being obtained to purchase from the Company the whole tramway of the Company which is situated in the city of Edinburgh and the burgh of Musselburgh respectively as presently vested in the Company including without prejudice to said generality the whole permanent way and works and the whole overhead equipment of the said portion of the said tramway and also all positive and negative underground conductors connected therewith from the switchboard in the Company's electrical sub-station in High Street Musselburgh but excluding the Company's depot and the tramway and works (excepting underground cables as aforesaid) within the same Declaring that the Corporation shall have all the powers conferred by the foresaid recited Acts and Orders so far as the Company can convey or transfer the same in relation to the said portion of the said tramway and the running of tramway cars thereon The whole subjects agreed to be sold and purchased in terms of this Article are hereinafter referred to as "the subjects of sale" The Corporation shall give effect to any existing rights of the local authority in regard to attaching street lamps to tramway standards.

A.D. 1932.

Third The price of the subjects of sale shall be the sum of £3,000 The subjects of sale shall be transferred by the Company to the Corporation at a date not later than one calendar month after the date of the Royal Assent to the Act granting the powers referred to in Article First hereof which date of transfer is hereinafter referred to as "the date of transfer" The said price shall be payable by the Corporation to the Company on the date of transfer and shall bear interest at the rate of five per centum per annum from the date of payment till paid.

Fourth The subjects of sale shall be conveyed by the Company to the Corporation free and disburdened of all rights of pre-emption mortgages debentures debts claims liabilities demands actions disputes or questions affecting or which might affect or relate to the subjects of sale or any part thereof or the Company in respect thereof up to the date of transfer all which shall be discharged and borne by the Company The Corporation shall free and relieve the Company of all claims questions and demands of whatever kind which may be made against the Company arising in connection with the working of the tramways by the Corporation after the last date hereof The Company shall at the date of transfer or as soon thereafter as possible execute and deliver to the Corporation a valid conveyance and assignation in their favour of the subjects of sale which conveyance and assignation will be granted with consent of all parties having a right in or security over the subjects of sale so far as such consents are necessary to give the Corporation a complete and valid right and title to the subjects of sale.

Fifth In the event of the said statutory powers referred to in Article First being obtained the Corporation may at any time after the date of transfer abandon the portion of the subjects of sale consisting of the portion of the said tramway between the said feeder pillar situated eastwards of Levenhall Post Office and the eastern boundary of the burgh of Musselburgh and in that event shall free and relieve the Company of all claims by or liability to the county council of Midlothian as road authority of the district in respect of such abandonment.

Sixth The Company shall free and relieve the Corporation of all liability of any kind whatever (if any there be) for and in connection with the portion of the Company's said tramway undertaking situated or which was situated in the county of East Lothian.

Seventh In the event of the said statutory powers referred to in Article First hereof being obtained the Company shall so long as the Corporation continue to maintain any part of the subjects of sale and so long as the Company remain distributors of electrical energy in the district supply to the Corporation so much electrical energy as the Corporation may from time to time require for the running of tramway cars over the subjects of sale

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or any part thereof but only so far as outwith the boundary of the city of Edinburgh for the time being and such electrical energy shall be supplied to the Corporation by the Company on such terms (not exceeding two pence per unit) as may from time to time be arranged between them or failing agreement be fixed by the President of the Institution of Electrical Engineers for the time being or a member of said Institution to be nominated by him as sole arbiter whose decision shall be final and binding subject to revision as after specified. Either party to this agreement may require (subject always to the maximum price above mentioned) that the terms for the supply of energy be revised at any time and from time to time. Declaring however that the price or prices agreed upon or fixed at any time shall remain binding on the parties for a period of at least one year.

Eighth Without prejudice to the terms of their licenses the Company agree that (unless otherwise arranged between the parties hereto) they will between Waterloo Place and Levenhall Post Office or any intervening distance and vice versa (a) charge on any of their motor omnibuses a fare which shall for the distance in question exceed the corresponding fare on the tramways by at least one penny and (b) shall not compete with the tramways run by the Corporation by means of the issue of return tickets or of the issue of contract tickets which would have the effect of making passenger conveyance on the said motor omnibuses as cheap as or cheaper than passenger conveyance on the said tramways. Provided always that notwithstanding anything herein contained the Company shall be entitled to issue a six day contract ticket at a price not less than 3s. 6d. but if at any time after three years from the date of transfer or after three years from the date of any order made in pursuance of this provision it is represented in writing to the Minister of Transport by either party hereto that under the circumstances then existing the minimum price of the said contract ticket should be revised the Minister shall remit to a referee to be appointed by him for a report and if the referee reports that the said minimum price ought to be revised the Minister of Transport may by order reduce or increase such minimum price and thenceforth such order shall be observed until the same is revoked by an order of the Minister of Transport made in pursuance of this provision.

Ninth Pending the decision on the application by the Corporation for powers in terms of Article First hereof the Corporation shall from the last date hereof as agents of the Company operate the said portion of the said tramway between Joppa and the said feeder pillar eastwards of Levenhall Post Office and vice versa under the powers of the before recited Acts and Orders and the provisions of the said agreement and the supplementary agreement on the footing that electrical energy required will

A.D. 1932.

continue to be supplied by the Company and that the Corporation shall maintain the whole of said last mentioned portion of the said tramways suitable for the running of Corporation tramway cars thereon including the maintenance of the whole permanent way and works and whole overhead equipment and underground conductors. This arrangement shall continue (a) until the date of transfer in the event of the Corporation obtaining the powers referred to in Article First hereof or (b) until one month after the decision refusing the said powers at the expiry of which period of one month the arrangement existing prior to the first January nineteen hundred and thirty-one will be reverted to.

Tenth. During the subsistence of the arrangement specified in Article Ninth hereof the Corporation shall be entitled to the whole revenues arising from their operation of the said tramway and shall be liable for all expenditure incurred by them in connection therewith. On the expiration of the said arrangement specified in Article Ninth hereof there shall be no liability on either party to account to the other party in any way in connection with the said operation of the said tramway by the Corporation in respect of the period of the subsistence of said arrangement. In the event of the powers referred to in Article First hereof not being obtained the Corporation shall re-instate the Company in the said tramway and the Company shall accept the same in its then condition.

Eleventh. The Company shall make up and render to the Corporation an account certified by the auditor of the Company of the expense incurred by them in connection with the running of the said tramway for the period from the first day of January nineteen hundred and thirty-one to the last date hereof and the Corporation shall as at the date on which the said account is rendered to them pay to the Company the amount of the deficit shown on the said account up to but not exceeding the sum of £1,400 with interest at five per centum from the said last mentioned date till payment. The said account shall include inter alia (a) the proportion of the receipts from the tramway-cars run over the tramway which would have been paid to the Company if the said agreement as amended by the said supplementary agreement had continued in operation (b) the cost of the electrical energy supplied by the Company for the running of the said tramway-cars and that at the rate of twopence per unit and (c) the proportion applicable to the period covered by the said account of all rates assessments and other annual charges in respect of the said tramway.

Twelfth. The provisions of the said agreement and supplementary agreement shall be held to be suspended from the first day of January nineteen hundred and thirty-one to the date of the termination of the arrangement specified in Article Ninth hereof. In the event of the said powers being obtained by the

A.D. 1932. Corporation the said agreements shall be held as cancelled as from first January nineteen hundred and thirty-one but if the said powers are not granted the provisions of the said agreements shall again come into operation at the date of the termination of the said arrangement specified in Article Ninth hereof.

Thirteenth Each party shall bear their own expenses connected with this agreement and the carrying of same into effect The stamp duty hereon and on the conveyance and assignation referred to in Article Fifth hereof shall be borne equally All expenses incurred by the Corporation connected with the promotion of the Provisional Order mentioned in Article First or consequent thereon shall be borne by the Corporation but the Company shall bear any expenses incurred by them in connection with the said Provisional Order.

Fourteenth Should any question or difference (other than one arising under Article Seventh hereof) arise as to the true intent and meaning of these presents or as to the construction thereof or the carrying out of the same such question or difference shall be settled by an arbiter to be mutually agreed on or failing agreement to be appointed on the application of either party by the sheriff of the Lothians and Peebles.

Fifteenth This agreement is subject to such alterations as the Secretary of State for Scotland or Parliament may make thereon and should any such alteration be made thereon as may in the opinion of the Dean of Faculty of Advocates for the time being be material thereto either of the parties may withdraw therefrom in which case the position of parties shall be regulated by the provisions of the said agreement and supplementary agreement.

Lastly Both parties consent to registration hereof and of any award or decree arbitral interim or final pronounced in terms of the provisions hereof for preservation and execution.

In witness whereof these presents consisting of this and the seven preceding pages are executed by the parties hereto in duplicate as follows They are sealed with the common seal of the said Musselburgh and District Electric Light and Traction Company Limited and are subscribed on behalf of the said Company by William Brodie Cownie and Frank Edmund Stanley two of the ordinary directors of said Company and Lewis David Henriques Jacobs the secretary thereof all at London on the fourth day of May nineteen hundred and thirty-one before these witnesses George Charles Hughes clerk Twenty-six Saint Olaves Walk Mitcham and John M'Guinness clerk Thirty-four Brunswick Road Tottenham London and they are subscribed in accordance with the provisions of section thirty-three of the Edinburgh Corporation (General Powers)

Order 1926 by William James Harvey city treasurer and a councillor and Sir Andrew Grierson doctor of laws Solicitor Supreme Courts town clerk both of Edinburgh in name and by authority of the said lord provost magistrates and remanent members of Council present in Council at Edinburgh on the seventh day of May nineteen hundred and thirty-one before these witnesses Donald Cameron and George Hannah both clerks to the said Sir Andrew Grierson.

A.D. 1932.

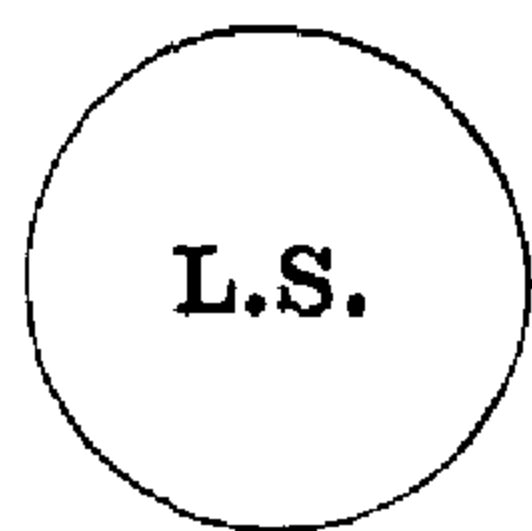
DON. CAMERON Witness

WM. J. HARVEY City Treasurer.

GEO. HANNAH Witness.

A. GRIERSON Town Clerk.

G. C. HUGHES Witness.



W. B. COWNIE Director.

F. E. STANLEY Director.

L. D. H. JACOBS Secretary.

J. M'GUINNESS Witness.

THE THIRD SCHEDULE.

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

PART I.

Certain lands situate within the city of Edinburgh and city parish of Edinburgh and on the foreshore of the Firth of Forth ex adverso of the said city and parish lying between the public road known as West Granton Road leading from Granton westwards and the sea bounded as follows namely By a line commencing at a point on the north side of the said public road fourteen yards or thereabouts south-west of the south-west corner of Pennywell Cottages thence in a northerly and north-westerly direction along the lands of Granton House for a distance of six hundred yards or thereabouts to the line of high-water mark of the Firth of Forth thence in a northerly direction to a point one hundred and fifty-three and a half yards or thereabouts below high-water mark of the Firth of Forth thence in an easterly and north-easterly direction partly along the foreshore and partly along the southern side of the existing shore or harbour road leading to Granton Harbour for a distance of four hundred and forty-one and a half yards or thereabouts thence in a southerly direction for a distance of ninety-one yards or thereabouts thence in an easterly direction for a distance of eighteen yards or thereabouts thence in a southerly direction for a distance of one hundred

A.D. 1932. — and twenty-one yards or thereabouts thence in an easterly direction on the line of the existing wall and partly across the fields numbered 478 and 480 on the twenty-five inch scale Ordnance map published in the year one thousand eight hundred and ninety-five for a distance of five hundred and seven yards or thereabouts thence in a southerly direction at right angles to the last-mentioned line for a distance of four hundred and seventy-five yards or thereabouts to the point of junction with the lands of the Granton branch line of the London Midland and Scottish Railway Company thence along the boundary of the London Midland and Scottish Railway Company's lands in a south-westerly direction for a distance of seventy yards or thereabouts thence along the north side of the aforesaid public road known as West Granton Road in a westerly and south-westerly direction for a distance of eight hundred and ninety-five yards or thereabouts to the point of commencement before mentioned.

PART II.

The following lands and property situate within the city of Edinburgh and city parish of Edinburgh videlicet :—

(1) A triangular piece of land bounded on the north-west partly by Summer Place and partly by the property or reputed property of Heriot's Hospital on the east by the property or reputed property of Messrs Morrison and Gibb Ltd. and others and on the south by the Water of Leith.

(2) An area situated at Meadowflat and bounded on the north by Holyrood Road on the south by the King's Park and on the east by property belonging or reputed to belong to Messrs. William Younger and Co. Ltd. and on the west by property belonging or reputed to belong to Messrs Duncan Flockhart and Co. and others.

(3) An area containing two acres or thereby imperial standard measure bounded on the north-west by Broughton Road on the south-east by the property or reputed property of Messrs William Taylor and Company and others on the north-east by the property of the London and North Eastern Railway Company and on the south-west by the property or reputed property of Messrs M'Farlane and Erskine and others.

(4) An area containing two acres or thereby imperial standard measure bounded on the north by the Water of Leith on the east by property belonging to the Corporation of Edinburgh on the south by Glenogle Road and on the west by the property or reputed property of Messieurs William Younger and Company Limited.

(5) An area bounded by a line commencing on the northern side of Grove Lane sixteen yards or thereabouts south-eastwards

from the northern corner of Grove Lane and Pipe Street and extending north-eastwards for a distance of fifty-seven yards or thereabouts to the northern corner of the gasometer grounds thence south-eastwards for a distance of thirty-eight yards or thereabouts along the north-eastern boundary of the said grounds to the eastern corner thereof thence south-westwards along the south-eastern boundary of said grounds to the southern corner thereof thence north-westwards along the south-western boundary of the said grounds to the point of commencement.

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(6) The lands and foreshore bounded by a line commencing at a point upon the Shore Road West Granton at the north-east corner of enclosure 939 upon the 1/2500 Ordnance survey map (edition 1914) thence extending south-westwards along the south side of the said road to a point therein twenty-three yards or thereabouts east from the road known as Gipsy Brae thence westwards in a straight line for a distance of two hundred yards or thereabouts thence south-westwards for a distance of one hundred and ninety-two yards or thereabouts till it meets the northern boundary of enclosure 941 upon the Ordnance survey map aforesaid thence westwards along the northern boundary of enclosures 941 467 and 465 on the Ordnance survey map aforesaid to a point on the northern boundary of enclosure 465 on the Ordnance survey map aforesaid two hundred and twenty-six yards or thereabouts west from the east boundary of the said last-mentioned enclosure thence northwards by an irregular line across the foreshore towards the western face of the Birnie Rocks thence north-eastwards along the western and northern boundary of the said rocks thence in an easterly direction along the line of low-water mark for a distance of five hundred and eighty-seven yards or thereabouts thence southwards in a straight line with the wall and fence forming the western boundary of the yard or works now or formerly of Messieurs Bain and Brown Limited thence continuing in a southerly direction in a straight line to the point of commencement.

THE FOURTH SCHEDULE.

(Referred to in the section of this Order the marginal note whereof is "Laying on of assessments.")

BURGH ASSESSMENTS—EXPENDITURE PAYABLE WHOLLY BY THE OCCUPIER WHERE INCURRED FOR AND IN CONNECTION WITH THE FOLLOWING PURPOSES:—

- (1) Watching.
- (2) Lighting (including lighting of streets courts and common stairs).

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- (3) Cleansing (including public conveniences &c.).
 (4) Fire engines establishment.
 (5) Public baths (including open-air bathing facilities).
 (6) Public washhouses.
 (7) Public libraries.

THE FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Exemptions or abatements from burgh assessments.")

Percentages to be deducted from burgh assessments in respect of exemptions or abatements.

| 1. Lands and heritages entitled to deduction from Burgh Assessments. | 2. Percentage where deduction is in respect of Owners proportion of Assessments. | 3. Percentage where deduction is in respect of Occupiers proportion of Assessments. | 4. Percentage where deduction is in respect of Owners and Occupiers proportions of Assessments. |
|---|---|--|--|
|---|---|--|--|

PART I.

| | | | |
|---|------------------|------------------|------------------|
| 1. The University of Edinburgh - - - | 41 | 63 $\frac{1}{4}$ | 54 $\frac{3}{4}$ |
| 2. The Royal Infirmary - | 41 | 63 $\frac{1}{4}$ | 54 $\frac{3}{4}$ |
| 3. The Royal Edinburgh Hospital for Sick Children - - - | 41 | 63 $\frac{1}{4}$ | 54 $\frac{3}{4}$ |
| 4. The Assembly Hall College and halls of the Church of Scotland at Mound Place - | 41 | 63 $\frac{1}{4}$ | 54 $\frac{3}{4}$ |
| 5. The Theological Hall and College of the Episcopal Church in Scotland - - - | 41 | 63 $\frac{1}{4}$ | 54 $\frac{3}{4}$ |
| 6. The Theological Hall of the Congregational Church - - - | 41 | 63 $\frac{1}{4}$ | 54 $\frac{3}{4}$ |
| 7. Craighouse Lunatic Asylum - - - | 20 $\frac{1}{2}$ | 31 $\frac{1}{8}$ | 27 $\frac{3}{8}$ |

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| 1. Lands and heritages entitled to deduction from Burgh Assessments. | 2. Percentage where deduction is in respect of Owners proportion of Assessments. | 3. Percentage where deduction is in respect of Occupiers proportion of Assessments. | 4. Percentage where deduction is in respect of Owners and Occupiers proportions of Assessments. |
|--|---|--|---|
| 8. Lands and heritages within the Granton Harbour limits - | 18 | 30½ | 25½ |
| 9. Duddingston policy grounds and claypit - | 27 | 45¼ | 38¼ |
| 10. The harbour and docks of Leith - - - | 27 | 45¼ | 38¼ |
| PART II. | | | |
| 11. Lands and heritages occupied and used solely for the purposes of public charity - | 41 | 63¼ | 54¾ |
| PART III. | | | |
| 12. The City Chambers - | 41 | 63¼ | 54¾ |
| 13. The County Buildings - | 41 | 63¼ | 54¾ |
| 14. Quarries - - - | 26¾ | 44½ | 37¾ |
| 15. Underground mines minerals and way- leaves - - - | 17¼ | 29 | 24½ |

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THE SIXTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Recovery of burgh assessments.")

ATTESTATION BY COLLECTOR APPLICATION TO SHERIFF AND
WARRANT TO BE APPENDED AT THE END OF EACH VOLUME
OF THE ASSESSMENT ROLL.

(1) ATTESTATION BY COLLECTOR.

I A B city collector for the city and royal burgh of Edinburgh do hereby certify that this is the volume of the assessment roll according to which the burgh assessments are leviable from or chargeable against the persons and others therein named for the year from the twenty-eighth day of May (*insert year*) to the twenty-eighth day of May (*insert succeeding year or as the case may be*) that the said burgh assessments became due and payable as at (the eleventh day of November last) That certain of the persons and others assessed in the said assessment roll have failed to pay the said burgh assessments or a portion thereof notwithstanding the same having been demanded from them by notices or demand notes delivered or left for them on the premises assessed or at the dwelling-houses or places of business of such persons and that the persons and others named in this volume who have so failed to pay the said burgh assessments or a portion thereof are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged at this date.

A B Collector.

Edinburgh.
(date)

(2) APPLICATION TO SHERIFF.

To the Honourable the Sheriff of the Lothians and Peebles (or as the case may be or his substitutes).

The humble petition of A B city collector for the city and royal burgh of Edinburgh.

SHEWETH—

That by the Edinburgh Corporation Order 1932 burgh assessments are authorised to be levied or charged.

That in terms of the said Edinburgh Corporation Order 1932 an assessment roll for levying assessing or charging the said burgh assessments for the year from the twenty-eighth day of May (*insert year*) to the twenty-eighth day of May (*insert succeeding year or as the case may be*) has been made up and that the petitioner is authorised to collect the sums set opposite the names of the persons and others respectively therein entered of which assessment roll this is the () volume.

That the said burgh assessments became due and payable as at (the eleventh day of November last or as the case may be).

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—

That by the attestation of the petitioner hereunto prefixed it appears that certain of the persons so assessed or charged have failed to pay the said burgh assessments or a portion thereof notwithstanding the same having been demanded from them by notices or demand notes delivered to or left for them on the premises assessed or at their dwelling-houses or places of business and that the persons named in this volume who have so failed to pay are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged in whole or in part at the date of the said attestation.

That the said persons who have failed to pay the burgh assessments charged against them or a portion thereof previous to the first day of March have incurred in addition a penalty of one penny of each pound of the yearly rent of the lands and premises in respect of which they are in arrears in terms of the *Edinburgh Corporation Order 1932* aforesaid.

That in these circumstances it becomes necessary to apply to your Lordship for warrant to the following effect :—

May it therefore please your Lordship to grant summary warrant against the persons who have failed in payment as aforesaid for recovery of the said burgh assessments so remaining unpaid in whole or in part and penalty aforesaid by poinding and arrestment as accords of law and to authorise messengers-at-arms or officers of court to enter the house place of business or other premises of such persons and upon presentment if asked only of the said warrant or a copy of the attestation application and warrant certified by the sheriff-clerk of the county of Midlothian along with the receipts of the collector for the burgh assessments wholly or partly in arrear by such persons respectively and failing payment being immediately made of the burgh assessments in arrear and penalty aforesaid together with the expense of obtaining the said warrant and the fees and charges of the messenger or officer to seize take possession of and if such messenger or officer shall think proper to remove so much of the goods and effects therein as shall appear to such messenger or officer to be sufficient for satisfying out of the proceeds of the sale thereof the said burgh assessments remaining unpaid and penalty with the costs and charges incurred in obtaining and carrying the warrant into execution and for these purposes to authorise the said messenger or officer to open shut and lockfast places and further to authorise the said messenger or officer if the said burgh assessments and penalty together with the said costs and charges shall not be paid within three days next after seizure is made as

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aforesaid to sell the said goods and effects so seized by public roup either on the premises in which the same are so seized or at the Market Cross of Edinburgh or in such other place as your Lordship may appoint returning the surplus of the price if any and also of any such goods and effects as it may be found unnecessary to sell after payment of the said burgh assessments and penalty together with the costs and charges incurred in obtaining and carrying the said warrant into execution and of such sale to the owner of the said goods and effects.

(Signed) A B Collector.

(3) WARRANT.

(Place and date) The sheriff (or sheriff-substitute as the case may be) having considered the foregoing application and attestation grants warrant as craved.

(Signed) C D

THE SEVENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Existing borrowing powers continued.")

Amounts authorised to be borrowed for the purposes of the following undertakings:—

WATER:—

FOR REDEMPTION OF ANNUITIES:—

| | £ | s. | d. |
|---|---------|----|----|
| Amount authorised by the Edinburgh Corporation Order 1921 | 500,000 | 0 | 0 |

FOR THE GENERAL PURPOSES OF THE WATER UNDERTAKING:—

AMOUNTS AUTHORISED:—

(a) By the following Acts and Orders obtained by the Water Trustees:—

| | £ | s. | d. |
|---------------|------------------|----|----|
| Act of 1869 | 220,000 | 0 | 0 |
| Act of 1874 | 380,000 | 0 | 0 |
| Act of 1876 | 50,000 | 0 | 0 |
| Act of 1880 | 150,000 | 0 | 0 |
| Act of 1889 | 50,000 | 0 | 0 |
| Act of 1895 | 750,000 | 0 | 0 |
| Act of 1898 | 200,000 | 0 | 0 |
| Order of 1901 | 200,000 | 0 | 0 |
| Order of 1904 | 500,000 | 0 | 0 |
| Order of 1908 | 30,000 | 0 | 0 |
| | <u>2,530,000</u> | 0 | 0 |

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(b) By the following Orders obtained by
the Corporation :—

| | £ | s. | d. | | £ | s. | d. |
|---|---------|----|----|--|-----------|----|----|
| Order of 1921 - - | 100,000 | 0 | 0 | | | | |
| Order of 1922 - - | 100,000 | 0 | 0 | | | | |
| Order of 1926 - - | 250,000 | 0 | 0 | | | | |
| Order of 1930 - - | 110,000 | 0 | 0 | | | | |
| | | | | | 560,000 | 0 | 0 |
| | | | | | | | |
| | | | | | 3,590,000 | 0 | 0 |
| <i>Deduct</i> In respect of property realised which reduced borrowing powers - - - - | | | | | 10,000 | 0 | 0 |
| | | | | | | | |
| | | | | | 3,580,000 | 0 | 0 |
| Total amount borrowed up to 15th May 1931 - | | | | | 3,421,670 | 11 | 4 |
| | | | | | | | |
| Leaving as the amount of the unexhausted borrowing powers - - - - | | | | | 158,329 | 8 | 8 |
| | | | | | | | |
| Total amount borrowed as above - - - - | | | | | 3,421,670 | 11 | 4 |
| Whereof repaid as at 15th May 1931 - - - - | | | | | 1,607,008 | 11 | 7 |
| | | | | | | | |
| Leaving as the amount outstanding and not paid off - - - - - | | | | | 1,814,661 | 19 | 9 |

GAS :—

AMOUNTS AUTHORISED :—

(a) By the following Acts and Order
obtained by the Gas Commissioners :—

| | £ | s. | d. |
|-------------------------|-----------|----|----|
| Act of 1888 - - - - - | 1,269,000 | 0 | 0 |
| Act of 1894 - - - - - | 100,000 | 0 | 0 |
| Act of 1897 - - - - - | 24,000 | 0 | 0 |
| Act of 1898 - - - - - | 400,000 | 0 | 0 |
| Order of 1902 - - - - - | 600,000 | 0 | 0 |
| | | | |
| | 2,393,000 | 0 | 0 |

(b) By the following Orders obtained by
the Corporation :—

| | £ | s. | d. |
|-------------------------|---------|----|----|
| Order of 1926 - - - - - | 275,000 | 0 | 0 |
| Order of 1930 - - - - - | 160,000 | 0 | 0 |
| | | | |
| | 435,000 | 0 | 0 |

(c) By the Secretary of State 15th May
1930 - - - - -

| | | | |
|--|-----------|---|---|
| | 150,000 | 0 | 0 |
| | | | |
| | 2,978,000 | 0 | 0 |

| A.D. 1932. | Deduct In respect of property realised which reduced borrowing powers - - - - - | £ | s. | d. |
|------------|--|-------------|----|----|
| | | 29,600 | 0 | 0 |
| | | <hr/> | | |
| | Total amount borrowed up to 15th May 1931 - | 2,948,400 | 0 | 0 |
| | | 2,795,100 | 14 | 10 |
| | | <hr/> | | |
| | Leaving as the amount of the unexhausted borrowing powers - - - - - | 153,299 | 5 | 2 |
| | | <hr/> | | |
| | Total amount borrowed as above - - - - - | 2,795,100 | 14 | 10 |
| | Whereof repaid as at 15th May 1931 - - - - - | 1,777,456 | 9 | 5 |
| | | <hr/> | | |
| | Leaving as the amount outstanding and not paid off - - - - - | 1,017,644 | 5 | 5 |
| | | <hr/> <hr/> | | |

TRAMWAYS :—

AMOUNTS AUTHORISED :—

(a) Horse and Cable Tramways :—

| By Edinburgh Municipal and Police Acts 1893 to 1908 - - - - - | £ | s. | d. |
|--|-----------|----|----|
| | 1,330,282 | 19 | 3 |

(b) Electric Tramways :—

(1) By the following Act and Orders
obtained by the Corporation in
respect of the Edinburgh under-
taking prior to 2nd November
1920 :—

| | £ | s. | d. |
|-------------------------|---------|----|----|
| Order of 1910 - - - - - | 15,686 | 0 | 0 |
| Order of 1916 - - - - - | 65,123 | 0 | 0 |
| Order of 1919 - - - - - | 350,000 | 0 | 0 |
| Act of 1920 - - - - - | 122,197 | 0 | 0 |
| | <hr/> | | |
| | 553,006 | 0 | 0 |

(2) By the following
Act and Order
obtained by the
Leith Town Coun-
cil in respect of the
Leith undertaking
prior to 2nd No-
vember 1920 :—

| | £ | s. | d. |
|---------------|---------|----|----|
| Order of 1904 | 225,000 | 0 | 0 |
| Act of 1908 | 50,000 | 0 | 0 |
| | <hr/> | | |
| | 275,000 | 0 | 0 |

| (3) By the following Orders obtained by the Corpora- tion subsequent to 2nd November 1920 :— | £ | s. | d. | A.D. 1932. |
|---|------------------|------------------|----|------------|
| Order of 1922 | 482,908 | 0 | 0 | |
| Order of 1924 | 192,916 | 0 | 0 | |
| Order of 1926 | 270,000 | 0 | 0 | |
| Order of 1927 | 195,000 | 0 | 0 | |
| Order of 1930 | 80,000 | 0 | 0 | |
| | <u>1,220,824</u> | 0 | 0 | |
| | | 2,048,830 | 0 | 0 |
| | | <u>3,379,112</u> | 19 | 3 |
| <i>Deduct</i> Amounts authorised for works which have not been executed within the time specified - - - - - | | 100,005 | 0 | 0 |
| | | <u>3,279,107</u> | 19 | 3 |
| Total amount borrowed up to 15th May 1931 - | | <u>3,229,224</u> | 5 | 10 |
| Leaving as the amount of the unexhausted borrowing powers - - - - - | | 49,883 | 13 | 5 |
| Total amount borrowed as above - - - | | 3,229,224 | 5 | 10 |
| Whereof repaid as at 15th May 1931 - - - | | 2,119,293 | 2 | 11 |
| Leaving as the amount outstanding and not paid off - - - - - | | <u>1,109,931</u> | 2 | 11 |

PUBLIC SERVICE VEHICLES :—

AMOUNTS AUTHORISED :—

By the following Acts and Orders :—

| | £ | s. | d. |
|---|----------------|----|----|
| Act of 1913 - - - - - | 177,378 | 14 | 3 |
| Act of 1920 - - - - - | 50,000 | 0 | 0 |
| Order of 1926 - - - - - | 69,000 | 0 | 0 |
| Order of 1927 - - - - - | 90,000 | 0 | 0 |
| Order of 1930 - - - - - | 80,000 | 0 | 0 |
| | <u>466,378</u> | 14 | 3 |
| Total amount borrowed up to 15th May 1931 - | <u>404,449</u> | 3 | 11 |

| | | | | |
|------------|---|---------|----|----|
| A.D. 1932. | Leaving as the amount of the unexhausted borrowing powers | £ | s. | d. |
| | - - - - - | 61,929 | 10 | 4 |
| | Total amount borrowed as above | 404,449 | 3 | 11 |
| | Whereof repaid as at 15th May 1931 | 268,408 | 17 | 6 |
| | Leaving as the amount outstanding and not paid off | 136,040 | 6 | 5 |

THE EIGHTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Redemption of moneys borrowed.")

Existing statutory periods of redemption of moneys borrowed according to the various enactments affecting the same.

| Purpose. | Period not exceeding | Enactment. |
|----------|----------------------|------------|
|----------|----------------------|------------|

RATING ACCOUNTS.

| | | |
|--|----------|--|
| 1. North Bridge and North Bridge Street improvement. | 50 years | Edinburgh North Bridge Improvement Act 1894 section 36 as amended by section 78 of Edinburgh Corporation Act 1897. |
| 2. Public parks | 50 years | Edinburgh Corporation Act 1900 section 72. |
| 3. Acquisition and reconstruction of dilapidated property. | 50 years | Edinburgh Corporation Order 1901 section 12. |
| 4. Corn and cattle markets at Gorgie. | 30 years | Edinburgh Corporation (Markets Slaughterhouses &c.) Order 1903 section 45. |
| 5. Slaughterhouses at Gorgie. | 35 years | Edinburgh Corporation Order 1910 section 33. |
| 6. Municipal hall | 50 years | Edinburgh Corporation Order 1910 section 33. |

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| Purpose. | Period not exceeding | Enactment. |
|---|----------------------|---|
| 7. Water of Leith purification and sewerage :— Net amount borrowed under Water of Leith Purification and Sewerage Order 1908 at 15 May 1920. | 25 years | Edinburgh Corporation Order 1921 section 24 (5) (B). |
| Amounts borrowed after 15 May 1920. | 40 years | Edinburgh Corporation Order 1921 section 24 (6). |
| 8. Other purposes - - | 30 years | Edinburgh Improvement and Municipal and Police (Amendment) Act 1893 section 32. |

PUBLIC UTILITY UNDERTAKINGS:

| | | |
|---|----------|---|
| 9. Water :— Amount borrowed on mortgage and outstanding at 15 May 1920 under Acts 1895 to 1908. | 40 years | Edinburgh Corporation Order 1921 section 24 (1) (B). |
| Amount borrowed on mortgage and outstanding at 15 May 1920 under Act 1914. | 50 years | Edinburgh Corporation Order 1921 section 24 (1) (C). |
| Amount represented by the capital value of annuities created under Act 1869 and outstanding at 15 May 1920. | 40 years | Edinburgh Corporation Order 1921 section 24 (1) (D). |
| Amounts borrowed after 15 May 1920 and prior to 30 June 1926. | 50 years | Edinburgh Corporation Order 1921 section 24 (2). |
| Amount borrowed under authority of Order 1926. | 40 years | Edinburgh Corporation (General Powers) Order 1926 section 39 (2). |
| 10. Gas :— Amount borrowed on mortgage and outstanding at 15 May 1920. | 30 years | Edinburgh Corporation Order 1921 section 24 (3) (A). |

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| Purpose. | Period not exceeding | Enactment. |
|---|----------------------|---|
| Amount represented by the capital value of annuities created under Act 1888 and outstanding at 15 May 1920. | 40 years | Edinburgh Corporation Order 1921 section 24 (3) (B). |
| Amount borrowed after 15 May 1920 and prior to 30 June 1926. | 40 years | Edinburgh Corporation Order 1921 section 24 (3) (c). |
| Amount borrowed under authority of Order 1926. | 30 years | Edinburgh Corporation (General Powers) Order 1926 section 38 (2). |
| Amount borrowed under authority of Order 1930. | 40 years | Edinburgh Corporation Order 1930 section 40 (2). |
| 11. Tramways :— Amounts borrowed under authority of Acts 1893 to 1930. | 30 years | Edinburgh Corporation Tramways Act 1893 section 22 and subsequent Acts. |
| 12. Public Service Vehicles :— | | |
| Amounts borrowed under authority of Act 1920. | 8 years | Edinburgh Boundaries Extension and Tramways Act 1920 section 135. |
| Amount borrowed under authority of Order 1926. | 8 years | Edinburgh Corporation (General Powers) Order 1926 section 37 (3). |
| Amount borrowed under authority of Order 1927. | 8 years | Edinburgh Corporation Order 1927 section 77 (3). |
| Amount borrowed under authority of Order 1930. | 8 years | Edinburgh Corporation Order 1930 section 38 (3). |

THE NINTH SCHEDULE.

A.D. 1932,

(Referred to in the section of this Order of which the marginal note is "Bills or promissory notes.")

CITY AND ROYAL BURGH OF EDINBURGH.

FORM OF BILL OR PROMISSORY NOTE.

City Chambers
Edinburgh.

Due
£

The Corporation of Edinburgh promise to pay to
or order within
on the day
of the sum of
sterling for value.

(This promissory note is issued in terms of the Edinburgh Corporation Order 1932 and is only valid when sealed with the seal of the city and signed by a member of the Corporation and the town clerk and the city chamberlain)

Member of Corporation.

Town Clerk.

City Chamberlain.

Entered in the register of bills or promissory notes of date

City Chamberlain.

THE TENTH SCHEDULE.

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

CITY AND ROYAL BURGH OF EDINBURGH.

MORTGAGE.

MORTGAGEE

MORTGAGE No.

DATED

AMOUNT OF MORTGAGE

DATE REPAYABLE

RATE OF INTEREST

PER CENT

WE THE LORD PROVOST MAGISTRATES and COUNCIL OF THE CITY OF EDINBURGH in virtue of the powers conferred on us by the Edinburgh Corporation Order 1932 and in consideration of the principal sum of (amount in words) paid to us by (name and

A.D. 1932.

designation of mortgagee) hereinafter referred to as the mortgagee do hereby grant and assign to the mortgagee and his executors administrators and assignees (or as the case may be) the whole funds rates and revenues of the Corporation (other than the common good of the city and the revenues thereof) to hold to the mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the [insert date of repayment] or shall thereafter in virtue hereof remain as a loan to us until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the mortgagee or his foresaids and by our city chamberlain and which minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids nor tested and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [insert rate of interest]) we shall pay the several sums contained in the interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants Declaring that the said principal sum and the said interest so far as due and payable from time to time shall rank pari passu with all other sums borrowed and to be borrowed by the Corporation from time to time and with the interest of such other sums and declaring further that the said mortgagee and his foresaids shall not be entitled to make and that we shall not be bound to register any partial assignation of these presents or of the sums of money principal or interest herein contained and that we shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of any discharge renunciation release assignation or minute of postponement or renewal of this mortgage.

Dated the

day of

Member of the Corporation of
the city of Edinburgh.

Town Clerk.

Entered in the register of mort-
gages of date

City Chamberlain.

Note.—Assignations of mortgages must be intimated to the CITY
CHAMBERLAIN at his office City Chambers Edinburgh.

MINUTE OF RENEWAL.

A.D. 1932.

It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within mortgage shall be postponed and the same shall not be due and exigible until the

day of

and that interest shall

become due on the said principal sum for the extended period to the date last mentioned at the rate of per centum per annum and shall be paid half-yearly on the eleventh day of November and the fifteenth day of May on presentation of the respective coupons or interest warrants in number issued herewith.

Dated and entered in the register of mortgages the day of

City Chamberlain.

Mortgagee

ASSIGNATION.

in consideration of the sum of

paid to by

do hereby transfer to the said

and executors administrators and assignees the within mortgage and all interest thereon and all rights estate and interest in and to the money thereby secured and in and to the funds rates and revenues thereby assigned.

In witness whereof these presents*

Entered in the register of mortgages of date

City Chamberlain.

*Insert testing clause required by the law of Scotland.

DISCHARGE.

Received from the LORD PROVOST MAGISTRATES AND COUNCIL OF THE CITY AND ROYAL BURGH OF EDINBURGH by the hands of the CITY CHAMBERLAIN the within mentioned sum of sterling with all interest due thereon.

Dated at the day of

A.D. 1932.

THE ELEVENTH SCHEDULE.

Forms.

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

(A.)

CITY AND ROYAL BURGH OF EDINBURGH.

RESOLUTIONS ON CREATION OF STOCK.

The Magistrates and Council resolved as follows :—

(First) That under the authority and subject to the provisions of the Edinburgh Corporation Order 1932 the Corporation do hereby create stock to be called the Edinburgh Corporation per cent. redeemable stock (here insert year of first issue) and to be issued to an amount not exceeding (state sum in words) pounds.

(Second) That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner hereinafter specified (that is to say) :—

(Here specify these particulars.)

(Third) That such stock shall be redeemed as follows (state terms).

(Fourth) That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Stamp Act 1891 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

CITY AND ROYAL BURGH OF EDINBURGH.

CORPORATION STOCK CERTIFICATE.

Number

This is to certify that A.B. of () is the proprietor of () pounds of Edinburgh Corporation per cent. redeemable stock (here insert year of first issue) subject to the Acts of Parliament relating thereto.

Given under the common seal of the Corporation of Edinburgh and subscribed by and with the authority of the lord provost magistrates and council of the said city this () day of () (19).

A.B. Member of Corporation of City of Edinburgh.

C.D. Town Clerk.

(C.)

A.D. 1932.

TRANSFER IN BOOKS.

EDINBURGH CORPORATION REDEEMABLE STOCK.

(£ PER CENT.)

| | | |
|--|---|---|
| I (or we) day of thousand nine hundred and assign and transfer share in the Edinburgh Corporation per cent. redeemable stock (<i>here insert year of first issue</i>) transferable at (the) and all property and interest in and right to the same and the dividends thereon unto | this in the year one do interest or Edinburgh Corporation redeemable stock () property and interest in and the dividends | _____ £ s. d. No. Entered by Witness to the identity of |
|--|---|---|

Executors administrators or assigns Witness hand

Witness

I (or we) do freely and voluntarily accept the above stock transferred to

Witness

(D.)

CITY AND ROYAL BURGH OF EDINBURGH.

DEED OF TRANSFER.

I A.B. of () in consideration of the sum of () pounds paid to me by C.D. of () (hereinafter called the said transferee) do hereby transfer to the said transferee the sum of () pounds Edinburgh Corporation per cent. redeemable stock (*here insert year of first issue*) standing (or part of the stock standing) in my name in the books of the lord provost magistrates and council of the city and royal burgh of Edinburgh to hold unto the said transferee his executors administrators and assigns (or successors and assigns) subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the () day of ().

A.D. 1932.

(E.)

DIVIDEND WARRANT.

EDINBURGH CORPORATION REDEEMABLE STOCK.

(£ PER CENT.)

To the cashier or manager (or other official) of
Bank Pay to bearer the sum of
for year's dividend on }
the sum of £ Edinburgh }
Corporation per cent. redeem- }
able stock (here insert year of }
first issue) due 19 . . . Less }
income tax at d. per £

I do hereby acknowledge to have received of (the
Bank) the above-mentioned sum in full payment for year's
dividend due as above.

(F.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

EDINBURGH CORPORATION REDEEMABLE STOCK
CERTIFICATE TO BEARER.

Dividend at £ per cent. per annum.

£

A 00000.

This is to certify that the bearer of this certificate is entitled
to pounds Edinburgh Corporation per cent.
redeemable stock (here insert year of first issue) transferable
pursuant to the Edinburgh Corporation Order 1932.

Dated

19

Countersigned

A 00000

£

The coupons attached to this certificate are payable at

When the coupons are exhausted this certificate will be
exchanged on presentation at the office of the registrar of the
Edinburgh Corporation redeemable stock at for
a new certificate with fresh coupons attached.

THE TWELFTH SCHEDULE.

A.D. 1932.

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

FEES.

| | £ | s. | d. |
|---|---|----|----|
| On original issue of stock receipt or stock certificate - | 0 | 2 | 6 |
| On any new stock certificate - - - - - | 0 | 2 | 6 |
| On transfer including certificate - - - - - | 0 | 5 | 0 |
| On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein - | 0 | 0 | 6 |
| On re-entry in Corporation stock register of stock specified in stock certificate to bearer - - - | 0 | 5 | 0 |

THE THIRTEENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Establishment of loans fund.")

RULES AND REGULATIONS FOR THE OPERATION OF
THE LOANS FUND.

1. The loans fund shall contain two separate accounts viz. Fund
(I) an account shewing all the assets and liabilities of the fund divided
and (II) an account shewing all transactions applicable to income into two
and expenditure of the fund. accounts.

Account I shall contain a record of all assets and liabilities Assets and
of the fund under the following headings:— liabilities.

(a) Assets—

- (1) Advances to Corporation departments;
- (2) Advances to "borrowing authorities" and others to whom advances may be made under statutory authority;
- (3) Investments;
- (4) Any other assets.

(b) Liabilities—

- (1) Capitalised value of annuities;
- (2) Corporation stock;
- (3) Mortgages;
- (4) Any other liabilities.

A.D. 1932.

Income and
expenditure.

Account II shall contain a record of the income and expenditure of the fund under the following headings :—

(a) Income—

- (1) Interest from Corporation departments :—
 - (i) in respect of advances on capital account ;
 - (ii) in respect of interest on advances for ordinary expenditure ;
- (2) Interest from “ borrowing authorities ” and others ;
- (3) Income from investments ;
- (4) Other income *e.g.* unclaimed dividends.

(b) Expenditure—

- (1) Annuities ;
- (2) Dividends and interest on stock mortgages and other loans ;
- (3) General expenses of loans including stamp duties.

Payments
to loans
fund.

2. There shall be paid to the loans fund as and when they are received or in the case of the sums specified in paragraph (3) of this clause when they are due—

- (1) All moneys borrowed by the Corporation in the exercise of their statutory borrowing powers ;
- (2) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose ; and
- (3) The appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation or to any borrowing authority or person provided that subject to the provisions of this Order such appropriate sums shall be set aside in all cases upon like yearly or half-yearly dates and may at the discretion of the Corporation be either equal yearly or half-yearly instalments of principal or the amounts of the principal moneys set out in a schedule prepared at the inception of the advance where such advance is repaid on the annuity system.

Capital
moneys paid
into loans
fund.

3. Whenever capital moneys are paid into the loans fund otherwise than on loan the periodical repayment instalments in respect of the advance or advances effected or if no such advance is effected then the repayment instalments in respect of some other advance for a like purpose or if there be no such advance for a like purpose then the repayment instalments in respect of such other advance as the Corporation may determine shall be adjusted.

4. Moneys of a capital nature paid into the loans fund may be used or applied— A.D. 1932.

- (a) in the exercise of any duly authorised borrowing power by advance of the required amount to the appropriate department of the Corporation and the making of advances to other authorities or persons where such advances are authorised. Such advances shall ordinarily be effected on the twenty-eighth day of May in each year which date shall for purposes of repayment be regarded as the borrowing date provided that the Corporation shall not be prevented from making any such advance during the year in which event interest shall be charged in accordance with the provisions of the clause of this schedule the marginal note whereof is "Revenue balances and apportionment of interest". The amount advanced in exercise of a borrowing power shall be regarded as due or owing to the loans fund by the appropriate department charged with the repayment of that amount and such amount shall be diminished each year by the amount paid into the fund during the year (including capital moneys if any) in respect of such borrowing power;

Payments
from loans
fund.

- (b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

and such moneys not used or applied in these ways may be invested in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest and the sums realised by the sale of such securities shall on receipt be paid into the loans fund and the moneys of a capital nature paid into the loans fund shall not be used or applied otherwise than in accordance with the provisions of this paragraph as herein provided :

Provided always that no investment in or sale of any such securities shall be made unless and until it has been approved by a resolution of the finance committee of the Corporation.

5. (a) All discounts on stock issues or premiums to be met on the repayment of a stock shall be debited in the first instance to Account I of the loans fund but shall be treated as capital expenditure on account of the various borrowing departments of the Corporation and shall be allocated between these departments in the same manner as is provided in the clause of this schedule the marginal note whereof is "General expenses of loans."

Discounts
on stock
issues &c.

(b) The Corporation may advance out of the loans fund such amounts as may be necessary to defray the capital expendi-

A.D. 1932. ture aforesaid provided that such advances shall be repaid to the loans fund by equal yearly or half-yearly instalments over such period as the Corporation may determine subject to the condition that in no case shall the period fixed for repayment extend beyond the date when the stock becomes redeemable at the option of the Corporation.

Expenses
of stock
issues.

6. Expenses of stock issues shall be dealt with in the same manner as is provided in the immediately preceding clause for discounts on stock issues or premiums to be met on the repayment of a stock. Provided that the period for the repayment of any advance from the loans fund in respect of expenses of stock issues shall in no case exceed five years from the date of the advance.

Discounts
on loans &c.

7. All discounts on loans or premiums to be met on the repayment of loans and expenses of loan issues shall be dealt with in the same manner *mutatis mutandis* as is provided for in the two immediately preceding clauses hereof.

Net losses
on the
realisation
of loans fund
investments
&c.

8. Net losses on the realisation of loans fund investments in any year shall be dealt with in the same manner *mutatis mutandis* as is provided in the clause of this schedule the marginal note whereof is "Expenses of stock issues". For the purposes of this clause the expression "net losses on the realisation of loans fund investments" means the total losses incurred in any year on the sale or realisation of such investments less—

- (a) the total gains accruing to the Corporation from the sale of loans fund investments;
- (b) any sum transferred from the loans fund reserve account in terms of paragraph (a) of the clause of this schedule the marginal note whereof is "Loans fund reserve account";
- (c) the total gains accruing to the Corporation from the purchase of stock or loans below redemption price or nominal value;
- (d) the total premiums on stock issues :

Provided that where the gains transfers or premiums referred to in (a) (b) (c) and (d) above exceed the total losses incurred on the sale or realisation of loans fund investments the Corporation may in their option direct either that—

- (1) the excess in whole or in part be carried to the credit of the "general expenses" account referred to in the clause of this schedule the marginal note whereof is "General expenses of loans";
- (2) the excess in whole or in part be allocated among the borrowing departments in the same manner as is provided for in the clause of this schedule the marginal,

note whereof is "General expenses of loans" such excess to be credited to the capital accounts of the borrowing department; or

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- (3) the excess in whole or in part be credited to the loans fund reserve account referred to in the clause of this schedule the marginal note whereof is "Loans fund reserve account."

9. The Corporation may establish a loans fund reserve account to which shall be credited any excess which in terms of the clause of this schedule the marginal note whereof is "Net losses on the realisation of loans fund investments &c." the Corporation have directed to be so credited provided that the moneys at the credit of the loans fund reserve account shall only be available—

Loans fund
reserve
account.

- (a) for meeting any losses sustained in the realisation or sale of loans fund investments in any year subsequent to the year in which the transfer to the reserve fund is made; or
- (b) in reduction of the periodical repayments by the borrowing departments to the loans fund over such period of years as the Corporation may determine provided that in effecting any reduction of such periodical repayments the Corporation shall allocate the total annual amount to be applied towards such reduction over the borrowing accounts in the same manner as is provided for the allocation of other expenses referred to in the clause of this schedule the marginal note whereof is "General expenses of loans."

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of the expenditure over income effect shall be given to the provisions of the clauses of this schedule the marginal notes whereof are respectively "Revenue balances and apportionment of interest" and "General expenses of loans."

Income and
expenditure.

11. (a) To each department of the Corporation which has from time to time during any year invested any revenue balances in the loans fund there shall be credited interest at a rate to be determined by the Corporation.

Revenue
balances and
apportion-
ment of
interest.

(b) To each department of the Corporation which has made any special repayment of an advance during any year there shall be credited interest from the date of such repayment to the end of the accounting year at the average rate payable by the Corporation on moneys borrowed on loans fund account.

(c) To each department of the Corporation which has provided a capital sum (not used for the reduction of its indebtedness to the loans fund) there shall be credited interest at a rate to

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—

be determined by the Corporation provided that such rate shall be equal as nearly as may be to the rate of interest which would be payable on loans raised during the year of account under a statutory borrowing power.

(d) Interest at the average rate payable by the Corporation on moneys borrowed on loans fund account shall be charged in respect of all broken periods where new advances have been made during the year.

(e) Interest on the Edinburgh gas annuities shall be charged to the department liable for the payment of interest on such debt and where special circumstances exist the Corporation may in respect of any other debt make such special charge as they think equitable to any department provided that in the case of any advance for a purpose in respect of which any Government grant-in-aid is receivable such special charge shall if required be subject to the approval of the Government department concerned.

(f) To each department which has from time to time during any year received temporary advances of moneys from the loans fund for current or other expenses as mentioned in the section of this Order the marginal note whereof is "Power to borrow for current expenses" there shall be debited interest at a rate to be determined by the Corporation.

(g) The amount of the expenditure on the Edinburgh gas annuities interest on stock and other loans shall be ascertained and after allowing for the foregoing adjustments shall be apportioned among the departments of the Corporation in proportion to the respective advances outstanding and due by them to the loans fund at the commencement of the year of account except any advances in respect of which interest is charged as authorised in paragraph (e) of this clause.

General
expenses of
loans.

12. The general expenses of loans account referred to in the clause of this schedule the marginal note whereof is "Fund divided into two accounts" shall include all expenses in connection with the management of the loans fund (other than expenses in connection with the Edinburgh gas annuities) and shall be credited with fees received on the transfer of stock or loans and any other revenue receipts. There shall also be credited to this account any sums received from any persons or either of the borrowing authorities in respect of their proportion of management expenses. The balance on the account shall thereafter be apportioned to the borrowing departments of the Corporation at the end of each year ending twenty-eighth May in the ratio which the total outstanding advances to each borrowing department bear to the total outstanding advances of all the borrowing departments of the Corporation but such apportionment to departments may be adjusted where circumstances render it desirable from the point of view of maintaining equity as between the various borrowing departments.

13. Subject as hereinafter provided nothing contained in this schedule shall affect the Edinburgh gas annuities or the charges in respect thereof but in order that the loans fund may contain a complete record of all loan transactions such debt shall nevertheless form part of the loans fund.

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—
Gas annuities not affected.

14. The Corporation may at any time cease to treat the Edinburgh gas annuities as subject to the special provisions of paragraph (e) of the clause of this schedule the marginal note whereof is "Revenue balances and apportionment of interest" and of the clause of this schedule the marginal note whereof is "General expenses of loans" Provided that the Corporation in order to maintain equity between the borrowing departments of the Corporation may make such adjustments between the loans fund and the gas department as they think necessary.

Cessation of special provisions for gas annuities.

15. The Corporation shall keep a separate set of accounts and prepare a separate balance sheet of the loans fund and in addition to the requisite mortgage and stock registers they shall also keep a register of advances out of the loans fund to the borrowing departments of the Corporation or to any other authorities or persons to whom the Corporation may be authorised to advance money setting out all arrangements in regard to repayment provided that the register shall show the relation of the total advances to any borrowing department of the Corporation to the total borrowing powers exercisable by that department.

Accounts and balance sheet.

16. The Corporation may make such regulations regarding their banking account or accounts as they may think fit.

Bank accounts.

17.—(1) The accounts relating to the loans fund shall be certified as to correctness by the city chamberlain and the Corporation shall at least once in every year require the auditor of the Corporation accounts to make a report setting forth—

Certification of accounts and returns.

(a) the borrowing and other Acts under which advances have been made and whether the Corporation have duly paid into the loans fund the interest due by the borrowing departments of the Corporation and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation; and

(b) that the terms of the proviso to the clause of this schedule the marginal note whereof is "Payments from loans fund" have been duly complied with.

(2) The said report shall be published annually along with the accounts of the Corporation and shall be open to the inspection of every person interested and a copy of such report shall every year within seven days of such publication be transmitted by the Corporation to the Secretary of State.

A.D. 1932.

(3) In the event of such report by the auditor at any time showing that the Corporation have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid it shall be competent for the Secretary of State to apply summarily to the Court of Session to compel the Corporation to make such payments and the said court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

Investi-
gation of
loans fund.

18. It shall be in the discretion of the Secretary of State to investigate the administration of the loans fund from time to time as he may determine.

Form of
accounts.

19. The accounts relating to the loans fund shall be in such form as may be prescribed by the Secretary of State.

Revision of
schedule.

20. The Secretary of State may from time to time at the request of the Corporation make such additions to or alterations in this schedule as may be found to be necessary or desirable and thereupon such additions or alterations shall be given effect to as if they had been enacted in this schedule.

THE FOURTEENTH SCHEDULE.

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

ACTS AND ORDERS REPEALED.

| Session and Chapter. | Title. | Extent of Repeal. |
|--------------------------|--|-------------------|
| 58 Geo. 3. c. lxxvii. | An Act for lighting the city and suburbs of Edinburgh and places adjacent with gas. | The whole Act. |
| 3 Geo. 4. c. xxxii. | An Act for lighting the town of Leith and its vicinity with gas and other purposes relating thereto. | The whole Act. |
| 10 Geo. 4. c. ii. | An Act for enabling the Edinburgh Gas Light Company to raise a further sum of money and for other purposes relating thereto. | The whole Act. |

A.D. 1932.

| Session and Chapter. | Title. | Extent of Repeal. |
|------------------------------|--|--|
| 3 Vict. c. xii. | An Act for the better lighting with gas the city of Edinburgh and town of Leith and places adjacent and for other purposes relating thereto. | The whole Act. |
| 3 Vict. c. xiii. | An Act for enabling the Edinburgh Gas Light Company more effectually to light with gas the town of Leith the vicinity thereof and other places in the county of Edinburgh and for altering and enlarging the powers of the said company. | The whole Act. |
| 34 & 35 Vict. c. lxxxix. | Edinburgh Tramways Act 1871. | The whole Act so far as not already repealed. |
| 36 & 37 Vict. c. ccxxxvi. | Edinburgh Street Tramways Act 1873. | The whole Act. |
| 37 & 38 Vict. c. lxxviii. | Edinburgh Tramways Act 1874. | The whole Act so far as not already repealed. |
| 38 & 39 Vict. c. cxxviii. | Edinburgh Tramways Act 1875. | The whole Act. |
| 42 & 43 Vict. c. cxxxii. | Edinburgh Municipal and Police Act 1879. | Sections 23 and 65 Part IX (Finance) so far as not already repealed and section 362 and Schedules B and C. |
| 44 & 45 Vict. c. clxxvi. | Edinburgh Street Tramways Act 1881. | The whole Act. |
| 45 & 46 Vict. c. xci. | Edinburgh Street Tramways Act 1882. | The whole Act. |
| 45 & 46 Vict. c. cxxxiv. | Edinburgh Street Tramways (Mechanical Power) Act 1882. | The whole Act. |
| 47 & 48 Vict. c. ccxli. | Edinburgh Northern Tramways Act 1884. | The whole Act. |
| 50 & 51 Vict. c. lxx. | Edinburgh Northern Tramways Act 1887. | The whole Act. |
| 50 & 51 Vict. c. lxxxv. | Edinburgh Public Library Assessment Act 1887. | The whole Act. |
| 51 & 52 Vict. c. cxxix. | Edinburgh and Leith Corporations Gas Act 1888. | The whole Act so far as not already repealed except sections 28 to 51 inclusive. |

A.D. 1932.

| Session and Chapter. | Title. | Extent of Repeal. |
|------------------------------|--|---|
| 54 & 55 Vict. c. cxxxvi. | Edinburgh Municipal and Police (Amendment) Act 1891. | Section 71 subsections (1) to (5) inclusive of section 80 and sections 81 to 85 inclusive. |
| 55 & 56 Vict. c. clxxxiv. | Edinburgh Street Tramways Act 1892. | The whole Act so far as not already repealed. |
| 56 Vict. c. lvi. | Edinburgh Street Tramways Act 1893. | The whole Act so far as not already repealed. |
| 56 & 57 Vict. c. lxxviii. | Edinburgh Corporation Tramways Act 1893. | The whole Act. |
| 56 & 57 Vict. c. cliv. | Edinburgh Improvement and Municipal and Police (Amendment) Act 1893. | Section 32 subsection (2) of section 34 and section 38. |
| 57 & 58 Vict. c. lv. | Edinburgh and Leith Corporations Gas (Additional Powers) Act 1894. | The whole Act except section 11 and the Second Schedule. |
| 57 & 58 Vict. c. lvi. | Edinburgh Corporation Stock Act 1894. | The whole Act except Part III (Old city debt &c.). |
| 57 & 58 Vict. c. cli. | Edinburgh North Bridge Improvement Act 1894. | Section 36. |
| 59 & 60 Vict. c. cciii. | Edinburgh Extension Act 1896. | Sections 45 and 53 Part XV (Assessment and borrowing powers) sections 77 and 78 and the Fifth Schedule. |
| 59 & 60 Vict. c. cciv. | Edinburgh Street Tramways Act 1896. | The whole Act. |
| 59 & 60 Vict. c. ccxxiv. | Edinburgh Improvement and Tramways Act 1896. | Section 4 Part III (Tramways) and sections 80 82 and 83. |
| 60 Vict. c. xxxii. | Edinburgh Corporation Act 1897. | Section 4 Part III (Tramways) Part V (Transfer of Portobello Gas Works to Edinburgh and Leith Corporations Gas Commissioners) and sections 78 80 and 82 and the Second Schedule the Third Schedule and the Fourth Schedule. |
| 61 Vict. c. xv. | Edinburgh and Leith Corporations Gas Act 1898. | The whole Act except section 6 (so far as relating to Work No. 1 and Work No. 5) sections 7 11 14 and 15 and the Second Schedule. |

A.D. 1932.

| Session and Chapter. | Title. | Extent of Repeal. |
|------------------------------|--|---|
| 62 & 63 Vict. c. lxxi. | Edinburgh Corporation Act 1899. | Section 4 Part IV (Tramways) and sections 40 41 and 42 and the Second Schedule. |
| 63 & 64 Vict. c. cxxxiii. | Edinburgh Corporation Act 1900. | Sections 5 29 35 36 and 37 Part IV (Tramways) and sections 70 and 72. |
| 63 & 64 Vict. c. cc. | Tramways Orders Confirmation (No. 3) Act 1900. | The whole of the Portobello and Musselburgh Tramways Order 1900 scheduled thereto except sections 9 and 11 thereof. |
| 1 Edw. 7. c. clxxxiv. | Edinburgh Corporation Order Confirmation Act 1901. | Sections 5 12 41 46 47 and 55 section 57 (so far as relating to an amendment of section 39 of the Act of 1900) and section 61 of the Order scheduled thereto. |
| 2 Edw. 7. c. ccxiii. | Edinburgh and Leith Corporations Gas Order Confirmation Act 1902. | The whole of the Act and the Order scheduled thereto so far as not already repealed. |
| 3 Edw. 7. c. lxxiii. | Edinburgh Corporation (Markets Slaughterhouses &c.) Order Confirmation Act 1903. | Section 46 and section 47 (so far as relating to an amendment of section 40 of the Act of 1899) of the Order scheduled thereto. |
| 3 Edw. 7. c. cxlv. | Tramways Orders Confirmation (No. 1) Act 1903. | The whole of the Portobello and Musselburgh Tramways Order 1903 scheduled thereto. |
| 4 Edw. 7. c. cxxxix. | Leith Corporation Tramways Order Confirmation Act 1904. | The whole of the Act and the Order scheduled thereto so far as not already repealed. |
| 5 Edw. 7. c. cxxiv. | Edinburgh Corporation Order Confirmation Act 1905. | The whole of the Act and the Order scheduled thereto. |
| 5 Edw. 7. c. cxci. | Tramways Orders Confirmation (No. 2) Act 1905. | The whole of the Portobello and Musselburgh Tramways (Amendment) Order 1905 scheduled thereto. |
| 6 Edw. 7. c. clxiii. | Edinburgh Corporation Act 1906. | Section 5 Part II (Tramways) section 50 and subsections (7) and (11) of section 77. |

A.D. 1932.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|--|---|
| 7 Edw. 7. c. lxiv. | Portobello and Musselburgh Tramways (Levenhall Extension) Order Confirmation Act 1907. | The whole of the Order scheduled thereto except sections 7 and 9 thereof. |
| 8 Edw. 7. c. xxvii. | Edinburgh Corporation (Tramways &c.) Order Confirmation Act 1908. | Section 5 Part II (Tramway) and section 15 of the Order scheduled thereto. |
| 8 Edw. 7. c. lxxxii. | Leith Burgh Act 1908 | The whole Act so far as not already repealed. |
| 8 Edw. 7. c. clxii. | Edinburgh and Leith Corporations Gas Order Confirmation Act 1908. | The whole of the Act and the Order scheduled thereto so far as not already repealed. |
| 10 Edw. 7 and 1 Geo. 5. c. cxxxvii. | Edinburgh Corporation Order Confirmation Act 1910. | Section 5 Part II (Tramways) and section 33 of the Order scheduled thereto. |
| 3 & 4 Geo. 5. c. lxxiv. | Edinburgh Corporation Act 1913. | Sections 31 and 55. |
| 6 & 7 Geo. 5. c. ii. | Edinburgh Corporation Order Confirmation Act 1916. | Sections 5 and 7 Part II (Tramways and tram-road) and the Second Schedule of the Order scheduled thereto. |
| 9 & 10 Geo. 5. c. xxxii. | Edinburgh and Leith Corporations Gas Order Confirmation Act 1919. | The whole of the Order scheduled thereto except section 4 (so far as relating to Work No. 1 and Work No. 5). |
| 9 & 10 Geo. 5. c. cv. | Edinburgh Corporation Order Confirmation Act 1919. | The whole of the Order scheduled thereto except section 8. |
| 10 & 11 Geo. 5. c. lxxxvii. | Edinburgh Boundaries Extension and Tramways Act 1920. | Sections 5 34 85 92 to 103 inclusive 117 118 Part VII (Assessments and finance) (except section 127) Part VIII (Accounts and audit) section 163 the Fourth Schedule and the Seventh Schedule. |
| 11 & 12 Geo. 5. c. cxxii. | Edinburgh Corporation Order Confirmation Act 1921. | Sections 17 18 19 21 22 23 24 25 and 26 and the Third Schedule of the Order scheduled thereto. |

[22 GEO. 5.]

*Edinburgh Corporation
Order Confirmation Act, 1932.*

[Ch. vii.]

A.D. 1932.

| Session and Chapter. | Title. | Extent of Repeal. |
|----------------------------|---|--|
| 13 Geo. 5. c. iv. | Edinburgh Corporation Order Confirmation Act 1922 (session 2). | Sections 5 7 to 11 inclusive 19 26 27 56 57 62 and 64 and the First Schedule of the Order scheduled thereto. |
| 14 & 15 Geo. 5. c. lxxvii. | Edinburgh Corporation (Tramways &c.) Order Confirmation Act 1924. | Sections 5 7 to 10 inclusive 25 26 and 49 and the First Schedule of the Order scheduled thereto. |
| 14 & 15 Geo. 5. c. lxxxvi. | Edinburgh Corporation Water Order Confirmation Act 1924. | Section 61 the following words in section 62 "The amount of the said rates as so imposed assessed and levied shall be intimated by advertisement in one or more newspapers circulating in the city" and sections 82 and 83 of the Order scheduled thereto. |
| 16 & 17 Geo. 5. c. xxii. | Edinburgh Corporation (General Powers) Order Confirmation Act 1926. | Sections 22 23 26 32 37 38 39 and 40 of the Order scheduled thereto. |
| 16 & 17 Geo. 5. c. lxxv. | Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act 1926. | Sections 215 and 216 of the Order scheduled thereto. |
| 17 & 18 Geo. 5. c. cxv. | Edinburgh Corporation Order Confirmation Act 1927. | Sections 5 8 to 12 inclusive 59 to 64 inclusive 68 71 72 and 77 and the First Schedule of the Order scheduled thereto. |
| 20 Geo. 5. c. xlvii. | Edinburgh Corporation Order Confirmation Act 1930. | Sections 36 38 39 40 41 and 42 of the Order scheduled thereto. |

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FOR

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