



CHAPTER viii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (Sheriff Court House &c.). [25th April 1932.] A.D. 1932.

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

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Confirmation of Order in schedule.

2. This Act may be cited as the Edinburgh Corporation (Sheriff Court House &c.) Order Confirmation Act 1932.

Short title.

[Ch. viii.] *Edinburgh Corporation* [22 GEO. 5.]
(*Sheriff Court House &c.*) *Order Confirmation*
Act, 1932.

A.D. 1932.

SCHEDULE.

EDINBURGH CORPORATION.

Provisional Order to authorise the Corporation of the city and royal burgh of Edinburgh to acquire lands for a new sheriff court house and street improvement purposes to construct a street improvement to enact provisions in reference to the Edinburgh Sheriff Court House Commissioners to borrow money 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 said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein :

And whereas the existing Edinburgh Sheriff Court House at George IV. Bridge within the city is vested in the county council of the county of Midlothian with added members (hereinafter called "the existing Sheriff Court House Commissioners") under the provisions of the Sheriff Court Houses (Scotland) Acts 1860 to 1884 as read with the Local Government (Scotland) Act 1929 :

And whereas for the purpose of facilitating the erection of a building for the Scottish National Library the existing Sheriff Court House Commissioners have agreed to convey to the Commissioners of Works or the trustees for the said library the subjects at George IV. Bridge at present belonging to or vested in the said Sheriff Court House Commissioners :

And whereas for the purpose of providing a substitute building the Commissioners of Works have undertaken to erect on a site in the Lawnmarket Edinburgh hereinafter referred to a new sheriff court house to be conveyed on completion to the commissioners to be constituted under the provisions of this Order :

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And whereas the Corporation are desirous of effecting a widening and improvement of Bank Street within the city concurrently with the erection of the new sheriff court house on the said site : A.D. 1932.

And whereas the Corporation for the purposes above mentioned have agreed to take the necessary steps to acquire the various properties comprised within the site in the Lawnmarket hereinbefore referred to :

And whereas it is expedient that the Corporation should be authorised to make and maintain the road improvement in the city hereinafter mentioned :

And whereas it is expedient that the Corporation should be authorised to acquire lands for the purposes before mentioned :

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned (that is to say) :—

	£
For and in connection with the road improvement (Work No. 1) by this Order authorised - - - -	500
For the purchase of lands - - - -	75,000

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

And whereas it is expedient that the Corporation should be authorised to borrow money for the construction of the said Work No. 1 and for the purchase of lands as hereinafter in this Order provided in so far as capital expenditure for such objects and purposes will fall to be met by the Corporation and should be empowered to levy rates and assessments :

And whereas it is expedient that provision should be made for transferring to and vesting in the Sheriff Court House Commissioners to be constituted under the provisions of this Order the functions of the existing Sheriff Court House Commissioners :

And whereas it is expedient that provision should be made in regard to the constitution and election of the

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A.D. 1932. Sheriff Court House Commissioners and the regulation
— of their business :

And whereas it is expedient that provision should be made in regard to the financial arrangements required for carrying out the provisions of the Sheriff Court Houses (Scotland) Acts 1860 to 1884 :

And whereas it is expedient that provision should be made in regard to the erection of buildings for the Scottish National Library on the site of the existing sheriff court house :

And whereas plans and a section showing the lines and levels of the road improvement (Work No. 1) authorised by this Order and the lands proposed to be taken for the purposes thereof and for the purpose of a site for the new sheriff court house and the widening and improvement of Bank Street aforesaid and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the sheriff clerk of the county of Midlothian and the same are hereinafter respectively referred to as the deposited plans section and book of reference :

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.

Short and
collective
titles.

1. This Order may be cited as the Edinburgh Corporation (Sheriff Court House &c.) 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.

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2. This Order is divided into Parts as follows :— A.D. 1932.
- Part I.—Preliminary. —
 - Part II.—Lands and work. Division of
 - Part III.—Sheriff Court House Commissioners. Order into
 - Part IV.—Miscellaneous. Parts.

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.” Commence-
ment of
Order.

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) :— Interpre-
tation.

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

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

“County council” means the county council of the county of Midlothian;

“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;

“Sheriff” means the sheriff of the Lothians and Peebles and includes his substitutes or any one of them within the county of Midlothian;

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

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

A.D. 1932.

PART II.

LANDS AND WORK.

Purchase of
lands for
new sheriff
court house
&c.

6. The Corporation may for the purposes of a new sheriff court house and for the purposes of street improvement enter upon purchase take hold appropriate and use the lands and property hereinafter mentioned and shown on the deposited plans and marked thereon area "A" and described in the deposited book of reference or any part or parts of the same. The said lands and property are the following:—

Area A The lands and property within the city of Edinburgh and the city parish of Edinburgh situated within the area marked "A" delineated upon the deposited plans and bounded by a line commencing at a point at or near the centre of the Lawnmarket in line with the centre of St. Giles Street thence proceeding northwards along St. Giles Street for a distance of 75 yards or thereabouts thence proceeding westwards also along St. Giles Street for a distance of 54 yards or thereabouts thence proceeding southwards along Bank Street for a distance of 77 yards or thereabouts thence proceeding eastwards along the Lawnmarket for a distance of 55 yards or thereabouts to the point of commencement.

New work.

7. Subject to the powers of deviation hereinafter mentioned the Corporation may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited section make construct maintain and use the road work hereinafter mentioned or some part or parts thereof together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

Work No. 1 A regrading and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 1) of the roads known as Maryfield and Rossie Place including the

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removal of the wall at present separating the said roads the said work commencing at a point in Maryfield 28 yards or thereabouts southwards from the westernmost point of the said wall passing thence northwards along Maryfield and into Rossie Place and terminating in Rossie Place at a point 9 yards or thereabouts north-eastwards of the said westernmost point of the said wall.

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8. In the execution of the said work the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited section to any extent not exceeding three feet.

Power to deviate new work.

9. If the said work is not completed within five years from the commencement of this Order then on the expiration of that period the powers hereby granted for the execution of the same shall cease except as to so much thereof as is then completed.

Period for completion of work.

10. Section 30 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works) of the Edinburgh Corporation Act 1913 shall so far as applicable apply mutatis mutandis to the said work and to the lands authorised to be acquired therefor.

Application of provision as to underpinning.

11. The Corporation may during the execution of the said work stop up temporarily the carriageway or footway of any street road or bridge as may be necessary and for that purpose may put up bars posts and other erections Provided that the Corporation shall before stopping up any footway under this section provide a temporary substitute therefor with access therefrom to any houses.

Stoppage of roads during execution of work.

12. The Corporation may enter upon purchase take hold appropriate and use the lands houses and property shown on the deposited plans and described in the deposited book of reference or such part or parts thereof as may be required for or in connection with the said work.

Lands for work.

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Omission
or mis-
statement
in plans or
book of
reference
may be
corrected.

13. If there be any omission misstatement or erroneous description of any lands which may be required or taken for the purposes of this Order or any of them or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates
to be
deposited.

14. The certificate of the sheriff shall be deposited in the office at Edinburgh of the sheriff clerk of the county of Midlothian and such certificate shall be kept by such sheriff clerk along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Corporation may enter upon purchase take hold and use for the purposes of this Order any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Limiting
period for
compulsory
purchase of
lands.

15. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease on the thirty-first day of December nineteen hundred and thirty-four.

Power to
grant
servitudes
&c. by
agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

17. Whereas in the exercise by the Corporation of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the provisions set forth in section 47 (Owners may be required to sell parts only of certain lands and buildings) of the Edinburgh Corporation Order 1916 shall apply and have effect in respect of the properties numbered 15 15 15 on the said deposited plans.

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 Owners may be required to sell parts only of certain lands and buildings.

PART III.

SHERIFF COURT HOUSE COMMISSIONERS.

18. There shall be transferred to and vest in the Sheriff Court House Commissioners to be appointed under the provisions of this Order (hereinafter in this Order referred to as "the commissioners") all the functions (other than functions relating to the raising of money by rate or loan) of the county council of Midlothian and of the magistrates as defined by the Sheriff Court Houses (Scotland) Act 1860 of every royal and parliamentary burgh in the said county under the Sheriff Court Houses (Scotland) Acts 1860 to 1884 and the commissioners shall have the same powers in regard to the management control superintendence and disposal of the existing sheriff court house and the new sheriff court house to be provided in lieu thereof as effeir to the said county council and magistrates as at the commencement of this Order and the said Acts shall be and are hereby amended accordingly.

Transfer of functions to Sheriff Court House Commissioners.

19.—(1) The commissioners shall annually ascertain the amount required for the purposes of their powers and duties under the Sheriff Court Houses (Scotland) Acts 1860 to 1884 administered by them and shall on or before the fifteenth day of July in each year certify to the rating authorities that is to say the county council the Corporation and the provost magistrates and councillors of the burgh of Musselburgh respectively the amount required to be provided by each of them

Financial arrangements.

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A.D. 1932. for this purpose under the provisions of the said Acts according to the rateable value of the lands and heritages in their respective areas.

(2) The rating authorities shall levy collect and recover the amounts specified in their respective certificates along with and as part of any assessment leviable by them which is payable by owners and occupiers in equal proportions and shall pay over such amounts to the commissioners not later than the first day of May in each year.

(3) The commissioners shall from time to time as occasion may require certify to the rating authorities the amount required to be provided for purposes of capital expenditure and the rating authorities shall within six months from the date of the certificate pay over to the commissioners the amount specified in the certificate.

(4) It shall be lawful for each of the rating authorities to borrow money in order to raise the amount specified in the certificate referred to in subsection (3) of this section in such way or manner as they may be authorised by statute to borrow for their own purposes and money so borrowed shall be repaid within a period of thirty years and the interest and sinking fund charges in respect thereof shall for assessment purposes be added to the amount of the certificate referred to in subsection (2) of this section and levied collected and recovered accordingly.

Constitu-
tion of
Sheriff
Court House
Commis-
sioners.

20.—(1) The commissioners shall consist of the following twelve persons (that is to say):—

- (a) The lord provost of the city and six persons to be elected by the Corporation out of their own number;
- (b) The convener of the county of Midlothian and three persons to be elected by the county council out of their own number; and
- (c) The provost of Musselburgh.

(2) Subject as after mentioned each of the persons to be elected by the Corporation and the county council shall hold office for three years reckoned from the first Tuesday of December in the year of election.

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(3) In the case of the first election of commissioners under this Order the Corporation shall elect six commissioners of whom two shall hold office until the first Tuesday of December nineteen hundred and thirty-two two shall hold office until the first Tuesday of December nineteen hundred and thirty-three and two shall hold office until the first Tuesday of December nineteen hundred and thirty-four and the county council shall elect three commissioners to hold office till the next triennial election of county councillors on the first Tuesday of December nineteen hundred and thirty-two.

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(4) Any commissioner who ceases to be a member of the body electing him shall be deemed to be disqualified from continuing in office as a commissioner Provided that such disqualification shall not apply where a commissioner retires from the electing body on the expiration of his statutory term of office and is re-elected at the ensuing election.

(5) The commissioners shall be a body corporate by the name of the Edinburgh Sheriff Court House Commissioners and by that name shall have perpetual succession and a common seal with power to purchase acquire hold and dispose of lands and other property heritable and moveable and to sue and be sued and with all other rights powers and privileges of a body corporate.

21.—(1) The clerk of the commissioners shall at least two months before the expiry of the term of office of any commissioners give notice to the proper electing body and such electing body shall as soon as conveniently may be after such notice elect commissioners to fill such vacancies.

Procedure
at election
of com-
missioners.

(2) Any commissioner ceasing to hold office shall if qualified be eligible for re-election.

22. A commissioner who shall intimate in writing his resignation of office or shall become disqualified or incapacitated to act or shall for the space of one year fail to attend the meetings of the commissioners or shall cease to hold the qualification necessary for his election shall thereupon be held to have vacated office Every vacancy (whether occasioned by any of the said causes

Vacancies.

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A.D. 1932. — or by death or by any other cause except the expiry of the term of office of a commissioner) shall be entered in the minutes and as soon as may be after the occurrence of such vacancy a new commissioner shall be elected by the body entitled to make such election who shall hold office only until the expiration of the term of office of the commissioner in place of whom he has been elected. Notice of the occurrence of every such vacancy in the office of commissioner shall be given by the clerk as soon as conveniently may be to the appropriate electing body.

Proceedings not to be invalidated by failure to elect commissioners. 23. No failure or delay or defect in the election of any commissioner and no vacancy in the office of commissioner shall prevent the commissioners from acting in the execution of their functions nor shall any act or proceeding of the commissioners be invalidated or be illegal by reason or in consequence of any such vacancy or of any defect in the appointment of one or more of the commissioners provided the number of commissioners entitled to act shall not thereby be reduced below seven.

Chairman vice-chairman and clerk. 24. The lord provost of the city shall ex officio be chairman of the commissioners and the convener of the county of Midlothian shall ex officio be vice-chairman of the commissioners. In the absence of the chairman and vice-chairman from any meeting a chairman of such meeting shall be chosen from amongst the commissioners present. The commissioners may appoint as their clerk the town clerk of Edinburgh or the county clerk of Midlothian.

Provisions as to meetings. 25.—(1) At meetings of the commissioners all questions shall be determined by a majority of those present and voting. In the case of equality of votes at any meeting the chairman of such meeting shall have a casting as well as a deliberative vote.

(2) At all meetings of the commissioners five shall be a quorum.

(3) The commissioners may make standing orders for the regulation of their business or at their discretion may adopt the standing orders for the time being of the Corporation or of the county council in so far as applicable.

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26. Any deed to be executed by the commissioners may be signed at a meeting of the commissioners by the chairman of such meeting and the clerk.

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Execution
of deeds.

27. The provisions of this Part of this Order shall come into operation on the sixteenth day of May succeeding the commencement of this Order except that the first election of commissioners under the provisions of the section of this Order the marginal note whereof is "Constitution of Sheriff Court House Commissioners" shall take place as soon as may be after the commencement of this Order and prior to the commencement of this Part of this Order.

Commence-
ment of
this Part of
Order.

PART IV.

MISCELLANEOUS.

28. For the purpose of facilitating the erection of buildings for the National Library of Scotland the commissioners shall as soon as may be after the completion of the new sheriff court house on the site marked area "A" on the deposited plans and the conveyance of the same to them as hereinafter provided convey to the Commissioners of Works or the trustees of the said library the existing sheriff court house at George IV. Bridge Edinburgh and thereupon the trustees of the said library shall proceed with the erection of the new buildings required for the said library on the site of the existing sheriff court house.

Erection of
buildings
for
National
Library of
Scotland.

29. Subject to the provisions of any agreement to be entered into as hereinafter mentioned and to any payment to be made to them in terms of the same the Corporation shall as soon as may be after the commencement of this Order purchase the lands and properties comprised in the said area "A" and shall convey the same to the commissioners with the exception of so much thereof as may be required for street improvement purposes.

Acquisition
of lands
for new
sheriff
court house.

30. The Commissioners of Works the commissioners and the Corporation may make and carry into effect agreements with respect to the conveyance of the existing sheriff court house by the commissioners the erection by the Commissioners of Works of the new sheriff court

Power to
make
agreements.

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A.D. 1932. — house on the said area "A" the conveyance to the commissioners of the said new sheriff court house the contributions to be made by the respective parties towards the cost of acquiring the said area "A" and any other matters relating or incidental thereto.

Borrowing powers.

31. The Corporation are hereby authorised to borrow money for executing the work authorised by the section of this Order the marginal note whereof is "New work" and for the acquisition of lands and heritages servitudes and other property which may be required for the purposes of that section or for the purposes of the section of this Order the marginal note whereof is "Purchase of lands for new sheriff court house &c." in so far as capital expenditure for such objects and purposes will fall to be met by the Corporation and the provisions of the Edinburgh Municipal and Police Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund shall apply to the money to be borrowed under the provisions of this section.

Application of assessments.

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

Expenses of Order.

33. 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.

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