

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxvii.]
1 EDW. 8.] (*Streets Buildings Sewers &c.*)
Order Confirmation Act, 1936.



CHAPTER lxxvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Aberdeen Corporation (Streets Buildings Sewers &c.).
A.D. 1936.
[31st July 1936.]

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) Acts 1899 and 1933 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.
23 & 24
Geo. 5. c. 37.
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 Aberdeen Corporation (Streets Buildings Sewers &c.) Order Confirmation Act 1936.

Short title.

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SCHEDULE.

ABERDEEN CORPORATION (STREETS
BUILDINGS SEWERS &c.).

Provisional Order to consolidate with amendments the Acts and Orders of or relating to the city and royal burgh of Aberdeen with respect to streets buildings sewers drains watercourses and other cognate matters and to confer further powers on the Corporation of the said city and royal burgh with reference to such matters to authorise the Corporation to construct additional sewers and relative works and for other purposes.

WHEREAS the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter referred to as "the Corporation" and "the city" respectively) are vested with the municipal administration of the city :

And whereas the provisions of the Acts and Orders of the Corporation relating to streets buildings sewers watercourses drains and other cognate matters are numerous and certain of the said provisions have been superseded by subsequent legislation and ought to be repealed and it is expedient and would be of public and local advantage if such of the said provisions as it is deemed expedient to retain were consolidated with certain amendments and additions into one Order :

25 Geo. 5.
c. ii.

And whereas by the Aberdeen Corporation Order 1934 the boundaries of the city were extended and it is expedient that the Corporation should be authorised to construct the sewage works in this Order described in order to make provision for the efficient drainage of the areas added to the city by the said Order of 1934 and of the remainder of the city :

And whereas estimates have been prepared by the Corporation for and in relation to the purposes in respect

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of which they are by this Order authorised to borrow money and such estimates are as follows :— A.D. 1936. —

For the construction of the sewage works authorised by this Order and the purchase of lands and servitudes therefor - - - - - £450,000

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

And whereas plans and sections showing the lines and levels of the sewage works authorised by this Order and plans of the lands to be acquired compulsorily and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purpose or under the powers of this Order were duly deposited with the sheriff clerks of the counties of Aberdeen and Kincardine and the town clerk of the city and such plans sections and book of reference are hereinafter respectively referred to as the deposited plans and book of reference :

And whereas it is expedient that the further powers in this Order mentioned should be conferred on the Corporation :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 :

Now therefore in pursuance of the powers contained in the said last mentioned Acts as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

PART I.

PRELIMINARY.

1.—(1) This Order may be cited as the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936 and this Order shall be included among the Acts and Orders which may be cited together as the Aberdeen City Acts 1862 to 1936. Short title and commencement of Order.

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

Division
of Order
into Parts.

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

Part I.—Preliminary.

Part II.—Streets—

A.—Vesting of streets.

B.—Acquisition of lands for streets.

C.—Naming of streets and numbering of premises.

D.—Improvement paving and repair of streets.

E.—New streets.

F.—Private lanes and courts.

Part III.—Buildings—

A.—Erection alteration and adaptation of buildings.

B.—Byelaws as to buildings.

C.—Through ventilation and free space.

D.—Special provisions as to dwelling-houses &c.

E.—Public buildings &c.

F.—Ruinous or dangerous buildings.

G.—Regulation of tents &c. used for human habitation.

H.—Saving in respect of Part III (Buildings).

Part IV.—Sewers &c.—

A.—Sewers drains and watercourses.

B.—New sewers.

Part V.—Miscellaneous.

Interpre-
tation.

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

"Building" means any structure or erection of what kind or nature soever whether temporary or permanent or any part thereof (excluding hoardings for advertisements);

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- “ City ” means the city and royal burgh of Aberdeen; A.D. 1936.
- “ City Acts ” means the local Acts and Orders applicable to the city; —
- “ City engineer ” means the city engineer of the city;
- “ City chamberlain ” means the city chamberlain of the city;
- “ Common drain ” means a drain connecting two or more private drains with a sewer and maintained jointly by the owners of such private drains;
- “ Corporation ” means the lord provost magistrates and town council of the city;
- “ Court ” includes any court close or passage open and accessible to the public used solely or mainly for foot passengers which communicates with a street lane or private lane but does not include any court being or forming part of any railway railway station or depot except a court affording access to a dwelling-house belonging to a railway company (other than a station master’s house occupied as such);
- “ Daily penalty ” in relation to any offence means a penalty in respect of every day on which the offence is continued after conviction therefor;
- “ Dwelling-house ” and “ house ” respectively include any building which is used or intended to be used either wholly or in part as a dwelling-house but shall not include any business premises by reason of the residence thereon of any porter watchman caretaker or other person in charge thereof except the portion of such business premises used for the residence of any such porter watchman caretaker or other person;
- “ Existing ” means existing immediately previous to the commencement of this Order;
- “ Firemaster ” means the officer appointed by the Corporation to the charge control and supervision of the fire establishment of the Corporation;

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- “Habitable room” includes any living room sleeping apartment and occupied apartment;
- “Hollow square” means any area of ground enclosed or partly enclosed by one or more streets (other than lanes not exceeding fifteen feet in width) already formed or authorised to be formed and which street or streets enclose or partly enclose or are intended to enclose or partly enclose such area of ground;
- “Institution” means any building designed for use as a hospital poorhouse asylum or for any public or charitable purpose other than a place of assembly or a school;
- “Lands” means lands and heritages as defined in the Valuation Acts;
- “Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931;
- “Lane” means any street used mainly as a back entrance to lands the principal entrance to which lands is by another street but does not include any lane being or forming part of any railway railway station or depot except a lane affording access to a dwelling-house belonging to a railway company (other than a station master’s house occupied as such);
- “Magistrate” means a magistrate or judge having jurisdiction under the City Acts;
- “Medical officer” means the medical officer of health of the city;
- “New building” includes—
- (a) any building erected after the commencement of this Order;
 - (b) any existing building which has been taken down for more than one-half of its cubical extent and re-erected or commenced to be re-erected wholly or partially on the same site after the commencement of this Order;

9 & 10
Geo. 5. c. 57.

21 & 22
Geo. 5. c. 11.

(c) any existing building not originally constructed for human habitation but subsequently proposed to be converted into one or more dwelling-houses; and

(d) any existing dwelling-house proposed to be subdivided into two or more dwelling-houses;

“New street” means any street constructed formed and laid out after the commencement of this Order otherwise than upon property forming part of any railway undertaking but includes any such street constructed formed and laid out for the purpose of affording access to any dwelling-house belonging to a railway company (other than a station master’s house occupied as such);

“Occupied apartment” means any apartment in which persons are ordinarily employed during the hours of business in connection with any business trade or manufacture;

“Occupier” includes the actual occupier or tenant or subtenant;

“Owner” means proprietor;

“Party wall” means the whole or any part of any wall forming part of any building and used or intended constructed or legally liable to be used as a common means of separation enclosure or support of adjoining buildings belonging to separate owners or separately occupied or intended or constructed or adapted to be separately occupied by different persons;

“Place of assembly” means any building designed for use as a theatre cinema concert-room restaurant tea-shop or lounge lecture-hall place of public worship or other place of public meeting whether used for purposes of gain or not and includes a non-residential club;

“Plan” means a drawing in ink on tracing cloth or a print of such a drawing photographed on linen or otherwise reproduced to the

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satisfaction of the city engineer and includes longitudinal sections cross-sections elevations and other detailed drawings;

“Private drain” means any drain of and used for the drainage of one building only including any pertinents thereof and made merely for the purpose of communicating therefrom with a sewer common drain cesspool or septic tank and maintained by the owner or occupier of such building;

“Private lane” means any lane not maintained by the Corporation which communicates with a street and forms a common access to premises separately occupied but does not include any lane being or forming part of any railway railway station or depot except a lane affording access to any dwelling-house belonging to a railway company (other than a station master’s house occupied as such);

“Proprietor” in relation to any premises means the proprietor or owner or any one of the proprietors or owners of such premises and includes life renters fiars lessees (provided such lessees are not in the actual occupancy of such premises) tutors curators commissioners trustees bondholders in possession or other persons who shall be in the actual enjoyment of or entitled to the rents and profits of such premises and the factor or agent for any such proprietor in the management or receipt of the rents or profits thereof and any other person who shall intromit with or draw the rents of such premises;

“Public building” means any institution place of assembly or school;

“Repealed Acts” means the provisions of the Acts and Orders referred to in the section of this Order of which the marginal note is “Repeal of Acts”;

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

“School” means any building designed for use as a college or school;

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- “Sewer” means any sewer constructed and maintained by or taken over and maintained by the Corporation and includes all manholes traps appurtenances and other works and appliances connected with any such sewer; A.D. 1936.
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- “Sheriff” means the sheriff of Aberdeen Banff and Kincardine and includes his substitutes;
- “Sheriff clerk” means the sheriff clerk of the county of Aberdeen or Kincardine as the case may be and includes his deputes;
- “Street” includes any street road bridge lane square court alley close wynd vennel passage or thoroughfare or other place for carriages or foot passengers open and accessible to the public not being or forming part of any railway railway station or depot but includes any street affording access to any dwelling-house belonging to a railway company (other than a station master’s house occupied as such);
- “Town clerk” means the town clerk of the city;
- “The tribunal” means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred;
- “Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Act amending that Act; 17 & 18 Vict. c. 91.
- “Valuation roll” means the valuation roll made up in pursuance of the Valuation Acts.

4. Except where otherwise expressly provided the provisions of this Order shall apply only to the city. Limits of Order.

PART II.

STREETS.

A.—Vesting of streets.

5. Subject to the provisions of this Order all streets including the materials thereof which at the commencement of this Order are maintained by the Corporation or the maintenance of which they may after the commencement of this Order undertake or assume shall be Vesting and maintenance of streets.

A.D. 1936. — vested in and maintained by the Corporation who shall have the sole charge control and superintendence of the same.

B.—Acquisition of lands for streets.

Power to
widen
streets and
purchase
lands for
improve-
ments.

6.—(1) It shall be lawful for the Corporation from time to time to construct form and lay out streets and to widen or otherwise improve existing streets and for any of those purposes they may agree with the owners of any lands for the purchase thereof and they may resell any parts of the lands so purchased which shall not be wanted for such purpose.

(2) Subject to the provisions of this Order any lands purchased by the Corporation under the powers of this section shall for ever thereafter be added to and form part of such streets and a receipt in the form of the First Schedule to this Order or as nearly in that form as the circumstances in each particular case will permit by the owner of such lands for the purchase price or compensation shall be a sufficient valid and effectual discharge to the Corporation for the same without the necessity of any conveyance or other title in their favour to the lands so purchased.

Allocation
of feu duty
on lands
purchased
for streets.

7.—(1) Where the Corporation for the purpose of constructing forming and laying out any street or of widening or otherwise improving any street purchase lands subject to a feu duty exigible therefrom and from lands adjoining the same the superior of such lands shall if called upon by the Corporation be bound to grant an allocation of such feu duty in proportions to be determined (failing agreement) by arbitration under the provisions of the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement and the Corporation shall in their option either (a) pay annually to such superior the portion of such feu duty so allocated upon the lands so purchased by the Corporation or (b) redeem such proportion of such feu duty by a capital payment to such superior of an amount to be determined (failing agreement) by arbitration as aforesaid.

(2) After the date of such allocation as aforesaid all real and other burdens affecting the lands so purchased by the Corporation shall cease and determine.

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C.—Naming of streets and numbering of premises.

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8. The Corporation shall from time to time cause to be put up or painted or otherwise shown on a conspicuous part of some building or place at or near each end corner or entrance of every street the name by which they determine such street is to be known and every person who destroys pulls down or defaces any such name or puts up any name different from the name put up by the Corporation shall be guilty of an offence.

Streets to
be named.

9. The owners of buildings fronting or abutting on streets shall mark the same with such numbers as the Corporation approve and shall renew such numbers as often as they become obliterated or defaced and every such owner who fails within one week after notice from the Corporation to mark his building with a number approved by the Corporation or to renew such number when obliterated or defaced shall be guilty of an offence and the Corporation shall cause such numbers to be marked or to be renewed as the case may require and the expense thereof shall be repaid to them by such owner and shall be recoverable as damages.

Buildings
to be
numbered.

D.—Improvement paving and repair of streets.

10. The Corporation may from time to time cause any street or any part of any street to be raised lowered altered and formed in such manner and with such materials as they think fit and the pavements thereof to be removed or the same to be repaved and they may also form with such materials as they think fit any footways for the use of passengers in any street and cause any street and the footways thereof to be repaired from time to time.

Corpora-
tion may
improve
streets.

11. If the Corporation deem it necessary to raise sink or otherwise alter the situation of any water pipe or gas pipe or other waterworks or gasworks or other works laid in any street they may from time to time by notice in writing require the person to whom any such pipes or works belong to cause forthwith or as soon as conveniently may be any such pipes or works to be raised sunk or otherwise altered in position in such

Gas and
water pipes
&c. to be
altered at
expense of
Corpora-
tion.

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A.D. 1936. — manner as the Corporation direct Provided that such alteration be not such as permanently to injure such works or to prevent the water or gas from flowing as freely and conveniently as before and the expenses attending such raising sinking or altering and full compensation for every damage done thereby shall be paid by the Corporation to the persons to whom such pipes or works belong.

If owners of gas or water works &c. neglect to make alteration Corporation may cause same to be done.

12. If the person to whom any such pipes or works belong do not proceed forthwith or as soon as conveniently may be after the receipt of such notice to cause the same to be raised sunk or altered in such manner as the Corporation require the Corporation may themselves cause such pipes or works to be raised sunk or altered as they think fit Provided that such works be not permanently injured thereby or the water or gas prevented from flowing as freely and conveniently as before.

Corporation may place fences to footways.

13. The Corporation may from time to time place such fences and posts on the side of the footways of streets as may be needed for the protection of passengers on footways and may place posts standards signals and other apparatus or works in streets so as to make the crossing thereof less dangerous for foot passengers and to facilitate the regulation and flow of traffic and may from time to time repair any such fences posts standards signals and other apparatus or works or remove the same or any obstructions in any street as they think fit.

Proprietor to fence property.

14.—(1) The Corporation may by notice require the proprietor of any land fronting or abutting on any street to erect so far as not already done a suitable fence or wall along such land so far as fronting or abutting on such street and to repair alter or renew any fence or wall along such land so far as fronting or abutting on such street.

8 & 9 Vict. c. 33.

(2) This section shall not apply to any land requiring to be fenced in pursuance of the Railway Clauses Consolidation (Scotland) Act 1845 so long as used for railway purposes.

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15. The Corporation shall during the construction or repair by them of any street take such precaution for guarding against accident by shoring up and protecting the adjoining buildings and shall cause such bars chains or ropes to be fixed across or in any of the streets to prevent the passage of vehicles and horses while such works of construction or repair are carried on as they may think fit and shall cause the same to be lighted and guarded during the night so as to prevent accidents and every person who takes down alters or removes any such bars chains or ropes or extinguishes any light without the authority or consent of the Corporation shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

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Barriers to be erected across streets while repairs or alterations are making and lights placed at night.

16. When any building materials rubbish or other things (hereinafter in this section referred to as "materials") are laid on or any hole is made in any street whether the same be done by order of the Corporation or not the person causing such materials to be so laid or such hole to be so made shall twenty-four hours at least before beginning such work give notice thereof in writing to the city engineer and shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same and continue such light every night from sunset to sunrise while such materials remain or such hole remains and such person shall at his own expense cause such materials and such hole to be fenced and enclosed to the satisfaction of the city engineer until such materials are removed and such hole is filled up or otherwise made secure and every such person who fails so to give notice or so to light fence or enclose such materials or such hole or who allows such materials or such hole to remain for a longer period than the city engineer shall deem necessary or any person who unlawfully or wilfully interferes with such materials or such hole shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty for not lighting deposits of building materials or excavations.

17. If any building or hole or other place near any street be for want of sufficient repair protection or enclosure dangerous to the passengers along such street the Corporation shall cause the same to be repaired protected or enclosed so as to prevent danger therefrom

Dangerous places to be repaired or enclosed.

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and the expenses of such repair protection or enclosure shall be repaid to the Corporation by the owner of the building hole or other place so repaired protected or enclosed and shall be recoverable from him as damages.

Penalty on persons altering streets without consent of Corporation.

18. Every person who wilfully displaces takes up or makes any alteration in the pavement flags setts concrete adamant gravel macadam tar macadam or other materials of any street without the consent in writing of the Corporation or without other lawful authority shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the Corporation may restore such street at the expense of such person which expense shall be recoverable from him as damages.

Corporation may fix line of new buildings and require them to be set back.

19.—(1) The Corporation may fix and lay down the line of buildings to be erected or to be re-erected in any street after the commencement of this Order and may require such buildings to be set back to such line Provided that where under the powers of this section the Corporation require the owner of any building which is to be erected or re-erected in any street after the commencement of this Order to set back such building the Corporation shall make compensation to the owner of such building for any loss or damage he may thereby sustain in the manner provided by the Lands Clauses Acts.

(2) Where any building is situate at the corner of a street the Corporation may require such building to be rounded off in such manner as the Corporation shall direct for the purpose of widening or otherwise improving such street Provided that the Corporation shall make compensation to the owner of such building for any loss or damage he may thereby sustain in the manner provided by the Lands Clauses Acts.

Corporation may convey portions of streets to adjoining proprietors.

20. The Corporation may upon such terms and conditions as they think fit sell and convey any portion of any street maintainable by the Corporation to the proprietor of any lands adjoining it for the purpose of obtaining a uniform line of frontage or improving such street :

Provided that notwithstanding any conveyance under this section the Postmaster-General shall continue

to have the same powers and rights in respect of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by him which remains in under upon over along or across the site of any portion of a street which is the subject of any such conveyance as if the same had continued to be part of the street and if by reason or in consequence of any such conveyance it becomes necessary to alter any such telegraphic line or if the Corporation or the proprietor to whom such conveyance is made desires any such alteration the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the alteration as though the Corporation or the proprietor (as the case may be) were "undertakers" within the meaning of the said Act.

A.D. 1936.
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41 & 42 Vict.
c. 76.

21. The Corporation may on a written report from the city engineer by resolution declare that any street or part of any street maintainable by the Corporation which may appear to them to be useless to the public shall cease to be a street and the Corporation shall also have power to shut up such street or part thereof. Provided always that not less than one month's notice shall be given by the Corporation of their intention to pass any such resolution as aforesaid or to shut up any such street or part of any street by advertisement in any newspaper circulating in the city and a printed notice shall also be kept posted in a conspicuous manner at each end of the street or part of the street to which any such proposed resolution relates for at least one month before the date of the meeting at which such resolution or a resolution to shut up any street or part of any street as aforesaid is to be proposed and if any ratepayer within the city at any time before the expiration of the said period of one month shall intimate in writing to the town clerk his objections to the discontinuance or shutting up of any street or part of any street to which any such proposed resolution relates the Corporation shall take such objections into consideration before passing such resolution.

Corporation may declare streets to cease to be such and may shut up streets.

22.—(1) The Corporation may from time to time after notice as provided in the section of this Order of which the marginal note is "Notice of repair &c. to be given" carry out such works (including the laying of channels gutters gullies and paved crossings and also kerbing where not already laid) in or on the carriageway

Repair of carriageway and footways of streets maintainable by frontagers.

A.D. 1936. — or footways of any street maintainable by frontagers which is in bad repair in such manner and with such materials as they think fit in order to make good such carriageway or footways.

(2) The expenses which may be incurred by the Corporation in carrying out such works as aforesaid (to be ascertained as provided in the section of this Order of which the marginal note is "Expenses of paving and repairing streets &c.") shall be repaid to the Corporation by the owners of the lands fronting or abutting on the street in which such works have been carried out and shall be recoverable as provided in the section of this Order of which the marginal note is "Expenses of paving and repairing streets &c." Provided always that the owners of the lands fronting or abutting on such street shall not be called upon to pay any part of the expense of making good or repairing the carriageway or footways as the case may be of such street for seven years after the completion at the expense of such owners of such works as aforesaid. Provided also that nothing in this section contained shall prejudice or interfere with the powers of the Corporation of making good the carriageway or footways as the case may be of such street at the expense of such owners after the expiration of the said period of seven years.

Repair of
carriageway
and
footways
of streets
to be
thereafter
maintained
by Corpora-
tion.

23.—(1) In the case of any street of which (a) the carriageway or (b) footways have not been formed of dressed or squared stones or have not been previously well and sufficiently laid out or formed or paved or causewayed or flagged and where one-half of the building sites fronting or abutting on such street has been built upon or sold or feued out for the purpose of being built upon or as soon as areas to that extent are so built upon or sold or feued out the Corporation may after notice as provided by the section of this Order of which the marginal note is "Notice of repair &c. to be given"—

- (i) cause the carriageway of such street or such part thereof either in length or breadth as they may think proper to be paved or laid with dressed granite stones or with such other materials; or

- (ii) cause footways with proper gutters or channels and paved crossings to be formed laid out and constructed in such manner and form and of such construction and breadth of dressed granite stones or of such other materials either on one side or on both sides and along the whole or part of such street; A.D. 1936.

all in such manner as the Corporation shall direct.

(2) The expenses incurred in respect thereof (to be ascertained as provided in the section of this Order of which the marginal note is "Expenses of paving and repairing streets &c.") shall be repaid to the Corporation by the owners of the lands fronting or abutting on such carriageway or footways and paved crossings as the case may be in which such works shall have been carried out and shall be recoverable as provided in the section of this Order of which the marginal note is "Expenses of paving and repairing streets &c." and such street or footways as the case may be shall thereafter be maintained by the Corporation.

(3) In so far as the obligations contained in this section depend on the extent of frontage built upon sold or feued out the provisions of this section shall operate and apply—

- (a) in the case of every street forming an outlet from the city to any and every two hundred yards of such street in the same manner as if such two hundred yards were the whole length of the street; and
- (b) in the case of any street not forming an outlet from the city to any and every two hundred yards of such street in the same manner as if such two hundred yards were the whole length of the street but only as regards the obligation relating to footways.

24.—(1) Subject as hereinafter in this section provided where the Corporation shall as hereinbefore provided carry out in or on the carriageway or footways of any street any of the works specified in the Expenses of paving and repairing streets &c.

A.D. 1936. — sections of this Order of which the marginal notes are
“Repair of carriageway and footways of streets main-
tainable by frontagers” and “Repair of carriageway
“and footways of streets to be thereafter maintained
“by Corporation” respectively at the expense of
the owners of the lands fronting or abutting on such
street the Corporation may execute or contract for
the execution of such works and the reasonable expense
of such works together with an additional sum of five
pounds per centum on such expense to be charged for
supervision by the Corporation shall be apportioned
among such owners in proportion to the extent of the
frontage of the lands belonging to them respectively
fronting or abutting on such street or part of a street and
a statement of such expense showing the proportion
thereof payable by each such owner shall be made up
and certified by the city chamberlain and the city
engineer and such expense shall be recoverable by the
Corporation from such owners in the manner provided
by the section of this Order of which the marginal note
is “Recovery of expenses from owners.”

(2) Where any lands or heritages of a railway
company shall wholly or partially front adjoin or abut
upon any such street or part thereof and such lands or
heritages shall at the time of the carrying out by the
Corporation of any of the works referred to in sub-
section (1) of this section be used by such company
solely as a part of their line of railway siding station
or works and shall have no direct communication with
such street or part thereof the Corporation shall not
be entitled to recover any part of the costs charges and
expenses incurred in connection with the said works
effeiring to such lands or heritages but they shall be
entitled in terms of the immediately preceding subsection
of this section to recover the same from such company
if and when such company subsequently make a com-
munication with such street or part thereof from such
lands or heritages or erect on such lands or heritages any
building fronting or abutting on such street or part
thereof.

For the purposes of this subsection “building”
shall not include any boundary wall or fence or any
premises used for the purpose of working the railway.

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxvii.]
1 EDW. 8.] (*Streets Buildings Sewers &c.*)
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25. The Corporation shall at least three weeks before proceeding to carry out in or on the carriageway or footways of any street at the expense of the owners of the lands fronting or abutting on such street any of the works specified in the sections of this Order of which the marginal notes are "Repair of carriageway and footways of streets maintainable by frontagers" and "Repair of carriageway and footways of streets to be thereafter maintained by Corporation" respectively cause a notice of their intention so to do to be inserted in at least one of the newspapers published in the city for two successive weeks and such notice shall be and be deemed sufficient intimation to all the parties liable for the expense of such works.

A.D. 1936.

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Notice of
repair &c.
to be
given.

26. The section of this Order of which the marginal note is "Appeals" shall not apply in respect of the carrying out by the Corporation of any of the works specified in the sections of this Order of which the marginal notes are "Repair of carriageway and footways of streets maintainable by frontagers" and "Repair of carriageway and footways of streets to be thereafter maintained by Corporation" respectively.

Certain
section of
Order not
to apply to
paving by
Corporation.

27.—(1) Where the owner or occupier of any premises fronting adjoining or abutting on any street maintainable by the Corporation habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motorcycle) in passing to and from such premises the Corporation may either—

Crossings
for horses
or vehicles
over
footways.

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed in such position of such materials and in such manner as they may prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the

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A.D. 1936. — use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall for each such offence be liable to a penalty not exceeding five pounds.

(4) Every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Power to relax certain provisions of Order as to expenses of street works.

28.—(1) The Corporation may with a view to facilitating building development on vacant lands relax or modify to such extent and under such conditions as they may think proper all or any of the provisions of this Order with respect to the payment by owners of lands of the cost of carrying out any street works adjacent to such lands.

(2) For the purposes of this section the expression "vacant lands" means undeveloped building sites having frontages to two streets at the junction thereof along which streets prior to the commencement of this Order

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buildings have been erected (on the sides thereof on which such sites are situate) to the extent of eighty per centum of so much of the frontage of both sides as was at that date available for building purposes.

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E.—New streets.

29.—(1) Every person who intends to construct form and lay out any new street shall give to the Corporation notice thereof in writing accompanied by such plan specifications and other particulars as the Corporation may require in order that the level line and gradients of such street may be fixed by them.

Notice of intention to lay out new streets to be given to Corporation.

(2) Such plan shall be signed by the person intending to construct form and lay out the new street or by his agent and shall when received by the Corporation become their absolute property and be retained by them.

(3) If after the date of the giving of any notice to the Corporation under the provisions of this section any alteration is made on the plan accompanying such notice by the person intending to construct form and lay out the new street the date on which such alteration is made shall be deemed to be the date of the giving of such notice.

30. The level line and gradients of every such new street shall be fixed by the Corporation within eight weeks after the delivery of such notice and the level line and gradients so fixed shall be kept thereafter by every person erecting any building fronting or abutting on such street.

Level &c. to be fixed by Corporation.

31. If the Corporation do not fix such level line and gradients within eight weeks from the time of the delivery of such notice as aforesaid the person giving such notice may proceed to lay out such street at any level line and gradients which will allow of compliance with the other provisions of this Order as if such level line and gradients had been fixed by the Corporation and in such case every change of the level line and gradients which the Corporation afterwards deem requisite and the works consequent thereon shall be made by the Corporation and the expense thereof and any damage which any

If Corporation fail to fix level &c. party may proceed.

A.D. 1936. — person sustains in consequence of such alteration shall be defrayed by them.

Persons laying out streets without notice liable to expenses of subsequent alterations.

32. Every person who constructs forms or lays out any new street without giving such notice to the Corporation shall be liable to defray all the expenses consequent upon any change of the level line and gradients of such street deemed requisite by the Corporation and every person who in erecting any building fronting or abutting on such street does not keep the level line and gradients fixed by the Corporation shall be liable to defray all the expenses consequent upon any change of the level line and gradients of that part of the street on which such building fronts or abuts which the Corporation deem requisite.

As to width of new streets and lanes.

33.—(1) Except as hereinafter in this section provided it shall not be lawful to construct form or lay out any new street unless and until the proposed width thereof shall with reference to the height of the buildings fronting or abutting on such street and other circumstances be approved of by the Corporation and no new street shall be less than fifty feet in width except a new lane or a new private lane which shall not be less than twenty feet in width Provided always that any and every condition which the Corporation may prescribe in giving such approval shall be binding and obligatory on the owners of the lands fronting or abutting on the said street or lane or private lane.

(2) The Corporation may approve of a new street or a new lane or a new private lane of less width than is prescribed by this section if they are satisfied that the circumstances are such as would justify them in permitting a relaxation of the width in which case they shall have power if they think fit to approve subject to such terms and conditions as they may impose a street lane or private lane of such width as will in their opinion be adequate in the particular circumstances.

Corporation may cause buildings in new streets laid out contrary to

34. If any new street new lane or new private lane shall be constructed formed or laid out contrary to the provisions of the section of this Order of which the marginal note is "As to width of new streets and lanes" and if any building shall be begun or erected

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in such new street new lane or new private lane the Corporation may cause such building to be altered or pulled down and the expense incurred by the Corporation in respect thereof shall be repaid to them by the person owning or erecting such building and shall be recoverable from him as damages. A.D: 1936.
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provisions of Order to be altered or pulled down.

35.—(1) Subject as hereinafter in this section provided every person who constructs forms or lays out any new street shall at his own expense within one month after requisition in writing has been made to him by the Corporation cause footways with a proper kerb or border stone and paved channel or gutter to be constructed either on one or on both sides of such street or such part thereof as the Corporation may require and shall cause such footways to be well and sufficiently constructed in such manner and form and of such breadth and materials as the Corporation may direct and every such person shall at his own expense after such requisition cause the carriageway of such street to be formed and made good in such manner as the Corporation may direct and in the event of such person not complying with such requisition the Corporation may cause such footways with kerb or border stone and paved channel or gutter and such forming and making good of the carriageway to be made and executed and the expenses which may be incurred by the Corporation in respect thereof (to be ascertained in the manner provided by the section of this Order of which the marginal note is "Expenses of paving and repairing streets &c.") shall be repaid to the Corporation by such person and shall be recoverable from him in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses from owners." Formation of new streets.

(2) In the carrying out of any of the works described in subsection (1) of this section every such person shall take such precautions as may be required by the city engineer for guarding against accident by causing bars chains or ropes to be fixed across or in any such street to prevent the passage of vehicles and horses while such works are being carried out and shall during the carrying out of such works cause the same to be lighted and guarded during the night so as to prevent accidents and every person who fails to take such precautions

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A.D. 1936. or who takes down alters or removes any such bars chains or ropes or extinguishes any light without the authority or consent of the person carrying out such works or of the city engineer shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(3) Where any lands or heritages of a railway company shall wholly or partially front adjoin or abut upon any such street or part thereof and such lands or heritages shall at the time of the construction of such street or part thereof be used by such company solely as a part of their line of railway siding station or works and shall have no direct communication with such street or part thereof the Corporation shall not be entitled to recover any part of the costs charges and expenses incurred in connection with the construction of such street or part thereof effecting to such lands or heritages but they shall be entitled in terms of subsection (1) of this section to recover the same from such company if and when such company subsequently make a communication with such street or part thereof from such lands or heritages or erect on such lands or heritages any building fronting or abutting on such street or part thereof.

For the purposes of this subsection "building" shall not include any boundary wall or fence or any premises used for the purpose of working the railway.

Accesses to and deviation of line of new streets.

36. The Corporation may require suitable and convenient accesses to any proposed new street to be provided by cross streets continuation of streets or otherwise and may require the level line and gradients of any proposed new street to be altered for more convenient communication with any other street or streets.

Provision for preventing culs-de-sac in formation of streets.

37. The Corporation may if in the circumstances of the case they think it expedient and reasonably practicable so to do make it a condition of approving of the plans sections and specifications of any new street that such street shall be so laid out and formed that the same shall not terminate in a cul-de-sac.

Width of part of cross streets in certain cases.

38. Where at the commencement of this Order a piece of land fronting or abutting on any street has been reserved for the formation of a cross street of less width than fifty feet and where such piece of land is of

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the uniform width of not less than forty feet and is bounded on each side by land which previous to the commencement of this Order has been built upon the piece of land so reserved may be laid out as part of such cross street according to plans sections and specifications to be approved of by the Corporation provided always that the part of such cross street beyond the piece of land so reserved shall not be less than fifty feet in width. A.D. 1936.

39. Every person who—

(1) begins to construct form or lay out any new street (a) before having given to the Corporation the notice required by the section of this Order of which the marginal note is "Notice of intention to lay out new streets to be given to Corporation" or (b) before the period of eight weeks specified in the section of this Order of which the marginal note is "If Corporation fail to fix level &c. party may proceed" shall have expired unless the level line and gradients of such new street shall have been previously fixed and the width thereof approved of by the Corporation; or

(2) after the Corporation have fixed the level line and gradients and approved of the width of any new street makes any alteration therein or deviates from the plans sections and specifications thereof as approved by the Corporation without the approval of the Corporation to such alteration first had and obtained;

shall be guilty of an offence and shall (without prejudice to any other procedure or remedy competent to the Corporation) be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

F.—Private lanes and courts.

40. In the case of any private lane which has not been previously well and sufficiently laid out or formed and where one-half of the building sites fronting or abutting on such lane has been built upon or sold or feued out for the purpose of being built upon or as soon

Penalties for
not giving
notices &c.

Repair of
private
lanes.

A.D. 1936. — as sites to that extent are so built upon sold or feued out the Corporation may after notice as provided in the section of this Order of which the marginal note is “Notice of intended works to be given” cause such lane or such part thereof either in length or breadth as they may think proper to be levelled formed and made good and gutters channels and drains to be formed along the same all in such manner as the Corporation may direct and the expenses incurred in respect thereof shall be repaid to the Corporation by the owners of the lands fronting or abutting on such private lane or such part thereof in which such works shall be executed and shall be apportioned and recoverable as provided in the section of this Order of which the marginal note is “Recovery of expenses of repairing private lanes” and such lane or part thereof shall thereafter be watched cleansed lighted and maintained by the Corporation and be at all times open to the public Provided that in so far as the obligations contained in this section depend on the extent of frontage built upon sold or feued out the provisions herein contained shall operate and apply to any and every two hundred yards of such lane in the same manner as if that were the whole length of the lane.

Recovery of expenses of repairing private lanes.

41. Where the Corporation shall as provided in the immediately preceding section of this Order level form and make good any private lane or part of a private lane at the expense of the owners of the lands fronting or abutting on such lane or part thereof the Corporation may execute or contract for the execution of such work required to be executed by any number of such several owners as a single work and the expense of the whole of such work together with an additional sum of five pounds per centum on such expense to be charged for supervision by the Corporation shall be apportioned among such owners in proportion to the extent of the frontage of the lands belonging to them respectively fronting or abutting on such lane or part of a lane and a statement of such expenses showing the proportion thereof payable by each such owner shall be made up and certified by the city chamberlain and the city engineer and such expenses shall be recoverable by the Corporation in the manner provided by the section of this Order of which the marginal note is “Recovery of expenses from owners.”

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42. The Corporation shall at least three weeks before proceeding with the levelling formation and making good of any private lane or part thereof at the expense of the owners of the lands fronting or abutting on such lane or part thereof cause a notice of their intention so to do to be inserted in at least one of the newspapers published in the city for two successive weeks and such notice shall be and be deemed sufficient intimation to all the parties liable for the expense of such works.

A.D. 1936.
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Notice of intended works to be given.

43.—(1) Every owner of premises or lands in any court or area to which the public have access (other than garden ground or bleaching green) used in connection with any building of which court or area the maintenance shall not have been assumed by the Corporation shall at all times keep such court or area well and sufficiently paved or surfaced in such manner as the Corporation shall direct and shall keep the water channels and drain traps therein in a fit and proper state.

Owners of property in courts to maintain pavement.

(2) In the event of any such owner failing to comply with an order to pave or surface any such court or area and to complete the same within the time and in the manner specified in an order addressed to him to that effect by the city engineer or sanitary inspector or to have and keep the water channels and drain traps therein in a fit and proper state the Corporation may cause such court or area water channels and drain traps to be paved laid or put in a proper state at the cost of such owner and such cost shall be apportioned in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses of repairing private lanes" and shall be recoverable in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses from owners."

PART III.

BUILDINGS.

A.—Erection alteration and adaptation of buildings.

44.—(1) Every person who intends to erect any new building shall give to the Corporation notice thereof in writing accompanied by such plan specifications and other particulars as the Corporation may require.

Notice of new buildings and plan

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thereof to
be given to
Corporation.

(2) Such plan shall be drawn to a scale of not less than one-eighth of an inch to every foot and shall show with measurements marked thereon—

- (a) the level at which the foundation of such building is proposed to be laid by reference to some level ascertained under the direction of the Corporation or by reference to the level of the surface of the street opposite to such building;
- (b) the line of such building so far as fronting any street or streets in reference to the line of any adjoining buildings and in reference to the line and the building line (if any) of such street or streets;
- (c) the height of such building in reference to the height of adjoining buildings (if any);
- (d) the foundations position form and dimensions of the several parts of such building and all outbuildings or erections intended to be erected or to be used with such building and the intended mode of drainage the size level and fall of the drains intended to be constructed below or leading from such building and the materials of which the drains are to be made and the position of any watercloset sink or rain-water pipe intended to be constructed within or upon the same and of any ashpit or dustbin area or yard sink cesspool or septic tank intended to be constructed in or upon the land adjoining to such building and such plan shall be accompanied by a plan and section and also elevations of each storey of the building and the materials and dimensions of the external walls and of the walls in which chimneys and flues are to be formed shall be described by notes upon the said plan and indicated by distinctive colours; and
- (e) the extent and boundaries of the land to form the site of and to be attached to the building.

(3) Such plan shall be signed by the person intending to erect the building or by his agent and shall when received by the Corporation become their absolute property and be retained by them.

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(4) If after the date of the giving of any notice to the Corporation under the provisions of this section any alteration is made on the plan accompanying such notice by the person intending to erect the building the date on which such alteration is made shall be deemed to be the date of the giving of such notice. A.D. 1936.

45. Subject to the provisions of the immediately preceding section of this Order the Corporation shall within eight weeks after receiving any notice given under the said section approve the plan accompanying such notice or decline to approve such plan or approve such plan subject to such conditions as they may deem necessary in order to secure adequate stability light ventilation drainage and other sanitary requirements and to ensure compliance with the provisions of this Order. Corporation to adjudicate on plan.

46. If the Corporation fail to signify in writing their approval or disapproval or approval subject to conditions as aforesaid of such plan as aforesaid within eight weeks after receiving such notice and plan the person giving such notice may notwithstanding anything herein contained proceed to erect the building therein referred to in accordance with such plan provided that such building be erected in other respects in accordance with the provisions of this Order. If Corporation fail to signify their approval parties may proceed.

47. The approval or approval subject to conditions as aforesaid of the Corporation to the plan of any new building shall cease to have effect in the event of the erection of such building not having been commenced within the period of three years or if so commenced not having been completed within the period of five years from the date of such approval. Duration of approval of plans.

48. If any building has been erected or the erection of any building has been begun without notice having been given in accordance with the requirements of the section of this Order of which the marginal note is "Notice of new buildings and plan thereof to be given to Corporation" or otherwise than (a) in accordance with the plan thereof as approved by the Corporation or (b) in pursuance of the section of this Order of which the marginal note is "If Corporation fail to signify their approval parties may proceed" the Corporation may Corporation may alter buildings erected contrary to provisions of Order.

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A.D. 1936. — cause such building to be altered or pulled down and the expense incurred by the Corporation in respect thereof shall be repaid to them by the person erecting or beginning to erect such building and shall be recoverable as damages.

Penalties
for not
giving
notices &c.

49. Every person who—

(1) begins to erect or alter any building—

(a) before having given to the Corporation the notice required by the section of this Order of which the marginal note is “Notice of new buildings and plan thereof to be given to Corporation”; or

(b) before the expiry of the period of eight weeks specified in the section of this Order of which the marginal note is “Corporation to adjudicate on plan” shall have expired unless the plan of such building shall have been previously approved of by the Corporation; or

(2) erects any building otherwise than (a) in accordance with the plan thereof as approved by the Corporation or (b) in pursuance of the section of this Order of which the marginal note is “If Corporation fail to signify their approval parties may proceed”;

shall be guilty of an offence and shall (without prejudice to any other procedure or remedy competent to the Corporation) be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to
building
lines at
street
corners.

50. The Corporation may in fixing and laying down the line of any new building to be erected at any corner formed by the junction of two streets require the sides or any side of any such building to be set back to such line for the purpose of widening or otherwise improving such corner. Provided that the Corporation shall make compensation to the owner of any such building for any loss or damage he may thereby sustain in the manner provided by the Lands Clauses Acts :

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Provided further that—

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- (a) the Corporation shall not require the line to be fixed to the side street to be retired more than fifteen feet from the said side street; and
- (b) the provisions of this section shall not apply to any land at the junction of two existing streets along which buildings have been erected before the commencement of this Order to within forty feet and one hundred and sixty feet of the lines of the side street and the main street respectively.

51. The Corporation may cause the corner of any existing building or new building or of any garden or vacant ground appurtenant to any building at the corner of any street to be rounded off in such manner as the Corporation shall think fit. Provided that they give notice of such intended work to the owner or occupier of such building or garden or vacant ground thirty days at least before such work is begun and the Corporation shall make compensation to any person who suffers damage thereby in manner provided by the Lands Clauses Acts.

Corner buildings to be rounded off.

52.—(1) If having regard to the nature and situation of the site of any building or buildings proposed to be erected re-erected or altered or to the character of any buildings erected or in course of erection in the neighbourhood of such site the character or appearance of the building or buildings proposed to be erected re-erected or altered would be injurious to amenity whether on account of the proximity to other buildings the elevation or design or the materials to be used or the undue repetition of the design or otherwise the Corporation may order such alterations to be made in regard to the elevation or design or materials as they may deem necessary or expedient and may require the plan referred to in the section of this Order of which the marginal note is "Notice of new buildings and plan thereof to be given to Corporation" to be amended accordingly.

External elevation of buildings &c.

(2) Any person against whom any order of the Corporation under the provisions of this section has been made may within fourteen days from the date of such order make a representation in writing thereon to the Corporation who shall transmit such representation to the

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standing committee hereinafter in this section mentioned within seven days On such representation being made it shall be necessary for the Corporation to obtain the consent of the standing committee to such order and the said committee before dealing with such representation shall give such person as aforesaid an opportunity of being heard.

(3) For the purpose of exercising the powers conferred on them by this section a standing committee of four members shall be constituted for the city of whom one member shall be nominated by the Secretary of State one member shall be nominated by the Royal Scottish Academy one member shall be nominated by the Royal Incorporation of Architects in Scotland and one member shall be nominated by the Corporation but shall not be a member or official of the Corporation.

(4) The provisions of this section shall not apply to hoardings for advertisements.

Party walls
to be
carried up
through
roof.

53.—(1) Except as the Corporation may otherwise allow the party walls of all new buildings shall be carried through and above the roof to form a parapet of not less than eight inches in height measured at right angles with the slope of the roof above the covering of the roof of the highest building to which such party walls belong and all such party walls and the external walls of all such buildings in or near any street or being pertinents of any building adjoining any street shall be constructed of incombustible materials and of a thickness of not less than nine inches in every part and the covering of the roof thereof shall not without the previous consent in writing of the Corporation be constructed of combustible materials.

(2) Every person who shall erect any building or cover any roof contrary to the provisions of this section and who shall not remove or alter the same within one month after notice given to him for that purpose by the Corporation shall be liable to a penalty not exceeding one pound for every day that such building or covering to such roof shall so continue after the expiry of such month.

As to
building in
relation to
centre line
of street.

54.—(1) It shall not be lawful to erect any building more than seven feet high within twenty feet of the centre line of any street (except a lane) without the consent in writing of the Corporation Provided always that this enactment shall not apply to any building

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 1 EDW. 8.] (*Streets Buildings Sewers &c.*)
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which may be rebuilt upon the site of or within the line of front of the building in place of which it is so rebuilt and no dwelling-house shall be erected in any lane other than a dwelling-house for a coachman chauffeur or the like and that only with the consent in writing of the Corporation.

A.D. 1936.

(2) The foregoing provisions of this section shall not apply to any street which is a classified road subject to restrictions under the Restriction of Ribbon Development Act 1935 nor to any other street which by a resolution of the Corporation becomes subject to restrictions under the said Act.

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 Geo. 5. c. 47.

(3) For the purposes of this section the words "classified road" have the same meaning as in the Restriction of Ribbon Development Act 1935.

55. No building shall without the consent of the Corporation be erected in any street the height of which building shall exceed the distance from the front thereof to the back of the footway or (if there is no footway) the outer edge of the carriageway on the opposite side of such street nor shall the height of any building to the erection of which such consent shall have been given or of any existing building or any rebuilding thereof be subsequently increased at any time so as to exceed that distance without the sanction of the Corporation. Provided always that any existing building (other than a dwelling-house) in any existing street if taken down may be rebuilt to its existing height.

Height of buildings in streets.

56. In estimating the height of buildings for the purposes of this Order the measurement shall be taken from the level of the centre of the street immediately opposite the building up to the eaves of the roof. Provided always that where a building shall be situated so as to abut on two streets of different levels the height shall be measured from the street which lies on the higher level.

Measurement of height of buildings.

57. No new building shall be erected upon a lower level than will allow of the drainage of such building into a sewer or into the sea and if there be such means of drainage existing within one hundred feet of such building the persons intending to erect the same shall cause a drain leading thereto from the intended site of such building to be made of such materials of such size at such level and with such fall as the Corporation

No new building to be built without drains being constructed.

A.D. 1936. — think fit or if there be no such means of drainage within one hundred feet of any part of the intended site of such building then such drain shall be made by such person to the satisfaction of the Corporation and so as to lead into such covered cesspool or septic tank within the distance aforesaid as the Corporation direct not being under any dwelling-house and constructed by such person so as effectually to prevent the escape of the contents thereof and of objectionable odours therefrom until a sewer is made when the Corporation shall make a drain to communicate with such sewer and shall fill up any such cesspool or septic tank and the expense incurred by the Corporation in respect of such last mentioned drain and the filling up of such cesspool or septic tank shall be paid by the owner of such building and shall be recoverable in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses from owners."

Water from
roofs of
buildings
to be
conveyed
in pipes.

58. The owners of all buildings fronting or abutting on any street or other public place where there are no sunk areas between the buildings and the footway shall cause the water from the roofs of such buildings to be conveyed in leaden or other pipes affixed against or on the fronts sides or backs of such buildings and not projecting more than four inches from the surface of the wall and provided at the lower end with a shoe connected with a cast-iron pipe or such other form of covered channel as the Corporation may approve to be constructed under the footway of the street by the Corporation at the expense of such owners for the purpose of conducting such water into the contiguous water channel and such owners shall be bound to keep such pipes or covered channels clean and in repair at their own expense and every such owner who refuses or neglects to cause such water to be conveyed as aforesaid and the pipes and covered channels to be kept clean and in repair within seven days next after service of notice by the Corporation for that purpose shall be guilty of an offence and shall be liable to a daily penalty not exceeding forty shillings and it shall be lawful for the Corporation to execute such work and the expense thereof shall be paid by the owner so making default and shall be recoverable as damages :

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Provided that in the case of any new building the front wall or any other wall of which is contiguous with the footway the pipes provided in accordance with the requirements of this section shall not except with the consent of the Corporation project beyond such front or other wall of such building. A.D. 1936.

59.—(1) Except as otherwise provided in this Order or in any other Order confirmed by Parliament or in any Act of Parliament or in any byelaws made under any such Order or Act no person shall without the consent in writing of the Corporation make fix place or maintain any erection encroachment obstruction or projection in on or over any street. Encroach-
ments and
projections
on streets.

(2) The Corporation may by notice require the owner of any erection encroachment obstruction or projection made fixed placed or maintained in contravention of the provisions of this section to remove the same and if he neglects to do so he shall be guilty of an offence and the Corporation may remove such erection encroachment obstruction or projection and the expense of such removal shall be paid to the Corporation by such person and shall be recoverable from him as damages :

Provided that if the Corporation require the removal under the provisions of this section of any erection encroachment obstruction or projection which is fixed in or extends over any street and was so fixed or placed before the twenty-seventh day of November one thousand nine hundred and thirty-five they shall make compensation to the owner thereof in respect of any loss or damage sustained by him in complying with such requirement and the amount of such compensation shall failing agreement be determined by the sheriff.

60. All doors gates and bars which open upon any street shall be hung or placed so as not to open outwards except in any case where such doors gates or bars are otherwise lawfully hung or placed and if except as aforesaid any such door gate or bar be hung or placed so as to open outwards on any street the owner or occupier of the land or building to which such door gate or bar is attached shall within eight days after notice from the Corporation to that effect cause the same to be altered so as not to open outwards and in case he neglects so to do he shall be guilty of an offence and the Corporation Doors &c.
to be made
to open
inwards.

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A.D. 1936. — may make such alteration and the expenses of such alteration shall be paid to the Corporation by such owner or occupier and shall be recoverable from him as damages.

Coverings
for cellar
entrances to
be made by
occupier.

61. When with the consent of the Corporation any opening is made in any street into any vault or cellar a door or covering shall be made by the owner or occupier of such vault or cellar of iron or such other materials and in such manner as the Corporation shall require and such door or covering shall from time to time be kept in good repair by the owner or occupier of such vault or cellar and if such owner or occupier do not within a reasonable time make such door or covering or if he make any such door or covering contrary to the requirements of the Corporation or if he do not keep the same when properly made in good repair he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the Corporation may make such door or covering or repair the door or covering as the case may be and the expense so incurred by the Corporation shall be paid to the Corporation by such owner or occupier and shall be recoverable from him as damages.

Hoardings
to be set
up during
repairs.

62. Every person intending to erect or take down any building or to alter or repair the outward walls of any building or to cause the same to be so done or to employ or contract with any other person to perform any such work whereby any street may be obstructed or rendered inconvenient shall before commencing operations apply for authority from the city engineer to put up and on such authority being obtained shall put up subject to such conditions as the city engineer may prescribe and to the payment to the Corporation of such sum or sums of money as the Corporation may direct a sufficient hoarding or fence in order to separate the building where such work is carried on from the street with a convenient platform and hand-rail if there be room enough to serve as a footway for passengers outside of such hoarding or fence in accordance with such orders and directions as may be given by the city engineer and every such person shall maintain such hoarding or fence and such platform and hand-rail in good condition to the satisfaction of the city engineer during such time as he shall fix and shall in all cases cause such hoarding or fence

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and platform to be sufficiently lighted during the night and every such person who puts up such hoarding or fence without previously obtaining the authority of the city engineer so to do or who fails to put up such hoarding or fence or platform with such hand-rail as aforesaid or fails to maintain the same in good condition during the time aforesaid or who does not while such hoarding or fence is standing keep the same sufficiently lighted during the night or who does not remove the same when directed by the city engineer within the time specified for that purpose or who fails to observe and comply with the conditions or any of them subject to which authority to put up such hoarding or fence has been granted shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1936.

63.—(1) The Corporation or any officer appointed by them may at any time inspect any building in progress of construction or alteration or any work connected therewith and may if such building or work appear to be in an insecure or dangerous condition or if the construction or alteration thereof appear to be contrary to the provisions of this Order require the building operations to be suspended until such building is put into a secure and safe condition and otherwise made good in accordance with the provisions of this Order. Inspection of buildings.

(2) After any new dwelling-house constructed for the use of more than two tenants has been completed and before such dwelling-house or any portion thereof has been occupied the owner or builder shall give notice to the Corporation that the dwelling-house is ready for inspection and the officer appointed by the Corporation shall thereupon survey such dwelling-house and when he is satisfied that such dwelling-house is fit for occupation and is in accordance with the provisions of this Order he shall grant a certificate under his hand to that effect.

(3) In the event of such officer declining or failing to give such certificate he shall within three days after the application is made state in writing the grounds of his refusal and a copy of such statement shall be immediately served on the owner who may appeal to the sheriff who shall hear the parties and decide the question.

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(4) Every owner or builder who shall fail to give such notice or shall permit such dwelling-house to be occupied before a certificate applicable thereto has been obtained shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The Corporation may charge such fees as they may consider reasonable for the inspection of buildings and the granting of certificates in terms of this section according to a scale to be approved by the auditor of the Court of Session after such inquiry (if any) as he may think proper and the fees so received shall be applied by the Corporation towards payment of the costs of carrying out the provisions of this section.

Additions
to and
alterations
of buildings.

64.—(1) Every structural addition to or alteration of any building and any other work made or done for any purpose in to or upon or in immediate connection with any building which may affect its sanitary condition air space or structural security or increase or decrease its dimensions or increase or decrease the number of separate occupancies therein shall so far as regards such addition or alteration or other work be subject to the provisions of this Order with respect to the construction of new buildings.

(2) The provisions of this section shall not apply to hoardings or similar structures used solely for the purpose of advertising.

B.—Byelaws as to buildings.

Building
byelaws.

65.—(1) The Corporation may from time to time make byelaws for any of the purposes after-mentioned (that is to say) :—

- (a) The drainage of the subsoil of sites on which buildings are about to be erected and of sites fronting or abutting on streets or public places;
- (b) The foundations of buildings;
- (c) The strength and stability of the walls joisting and principal timber and ironwork of buildings;

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- (d) The structure and form of and strength of materials used for foundations walls floors hearths staircases stairs stair-railings passages roofs and chimneys of buildings; A.D. 1936.
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- (e) Projections over streets ornaments upon buildings overhanging the walls of such buildings projecting signs and show-cases;
- (f) Recesses in walls and openings in mutual and cross walls;
- (g) The erection stability maintenance inspection and removal of scaffolding cranes barricades hoardings for buildings platforms and balconies and the dimensions position and use of the same;
- (h) The provision of retaining walls and the erection of walls or other fences forming divisions between courts back-courts and areas and of walls adjoining streets;
- (i) Provision against the risk of fire in buildings and for means of escape from fire;
- (j) The protection from fire of persons occupying dwelling-houses or occupied apartments where any trade business or manufacture is carried on or is intended to be carried on in the same tenement or building;
- (k) The ventilation of and admission of light to buildings;
- (l) The position construction (including dimensions type strength and materials) and arrangement of the drainage works of buildings and of soil pipes and waste pipes and of waterclosets privies slop-sinks urinals baths washhand basins and rain-water pipes and rhones;
- (m) Pavement lights and gratings and openings for coal shutes;
- (n) The giving of notices to the Corporation in connection with building operations and the making of inspections.

(2) The byelaws made under the powers of this section shall apply to new buildings and to every addition to or alteration of any building and any other work made

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A.D. 1936. — or done for any purpose in to or upon or in immediate connection with any building that may affect its sanitary condition air space or structural security or increase its dimensions or increase the number of separate occupancies therein so far as regards such addition or alteration or other work.

(3) The Corporation may by byelaws under this section impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of five pounds for each offence and a daily penalty not exceeding forty shillings.

(4) Byelaws made under the powers of this section in respect of the matters mentioned in paragraphs (a) (b) (c) (d) (f) (g) (k) (l) and (n) of subsection (1) of this section shall not take effect unless and until they have been confirmed by the Department of Health for Scotland and byelaws made under the powers of this section in respect of the matters mentioned in paragraphs (e) (h) (i) (j) and (m) of the said subsection (1) shall not take effect unless and until they have been confirmed by the sheriff and the said Department or the sheriff as the case may be may allow modify or disallow the same as they may respectively think fit.

(5) Not less than one month before application is made by the Corporation to the said Department or to the sheriff as the case may be for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the city and for a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.

(6) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said Department or to the sheriff as the case may be and a copy of such objection shall at the same time be sent to the town clerk and the said Department or the sheriff as the case may be shall

consider the objection and any answers thereto by the Corporation before confirming the byelaw. A.D. 1936.

66.—(1) For protection of the amenity of the city and for preventing the disfigurement of the streets by the unsightly condition of adjacent lands and buildings the Corporation may make byelaws for regulating the manner in which vacant building sites fronting or abutting on streets and unoccupied or ruinous buildings in streets shall be kept. Control of vacant building areas and derelict buildings.

(2) Byelaws made under the authority of this section shall not apply to any such site or to any building in a street unless at least one-half of the frontage of one side of the street is built upon.

(3) Byelaws made under the powers of this section shall not take effect unless and until they have been confirmed by the Department of Health for Scotland who may allow modify or disallow the same as they may think fit.

(4) The owner and the occupier of a building site or building who fails to comply with the byelaws made under the authority of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for each site or building in respect of which he fails to comply and to a daily penalty not exceeding forty shillings.

(5) Not less than one month before application is made by the Corporation to the said Department for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the city and for a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.

(6) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said Department and a

A.D. 1936. — copy of such objection shall at the same time be sent to the town clerk and the said Department shall consider the objection and any answers by the Corporation thereto before confirming the byelaw.

C.—Through ventilation and free space.

Open space
in rear of
dwelling-
houses.

67. Every new dwelling-house and every building altered for the purpose of being used as a dwelling-house shall have directly in the rear thereof and directly attached thereto and pertaining to and used exclusively in connection with the same an open space at least equal to three-fourths of the site area occupied by such dwelling-house and where such dwelling-house shall exceed three storeys in height additional open space equal to one-fourth of the site area of such dwelling-house shall be provided for every storey exceeding three and such open space shall be free from any erections thereon other than waterclosets coal-houses or other conveniences to be used in connection with such dwelling-house of such height position and dimensions as may be sanctioned and approved by the Corporation Provided as follows:—

- (1) The distance across every part of such open space between every such dwelling-house and the building or property on the opposite side of such open space shall not be less than eighteen feet:
- (2) In any case where the through ventilation and light of any dwelling-house are otherwise secured or in other special circumstances the Corporation may in their discretion allow the open space to be reduced:
- (3) In the case of any dwelling-house or part of a dwelling-house situated within sixty feet of the junction of the building lines of any two streets the provisions of this section shall be modified to such extent as shall be necessary to permit the corner site to be built upon:
- (4) In the case of buildings with shops or business premises on the ground floor and dwelling-houses above the Corporation may sanction the erection of saloons upon such open space

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of such height and construction as to them shall seem proper such saloons to be attached so as to form part of and to be exclusively used in connection with such shops or business premises and to continue only so long as such building is so used for business purposes: A.D. 1936.

(5) (a) Where a dwelling-house existing at the commencement of this Order has an open space not larger than that required for a new dwelling-house under this section such dwelling-house shall not be enlarged and such open space shall not be built upon Provided that in any case where such dwelling-house is rebuilt if the new dwelling-house does not as regards height breadth and length exceed the dimensions of the former dwelling-house the Corporation shall not be entitled to require additional open space to be provided;

(b) Where a dwelling-house existing at the commencement of this Order has an open space larger than that required for a new dwelling-house under this section such open space shall not at any time be diminished so as to be less than that required by this section:

(6) Nothing in this section contained shall as regards any dwelling-house existing at the commencement of this Order prohibit the erection with the consent of the Corporation of any watercloset coal-house or other convenience on part of the open space pertaining to such dwelling-house:

(7) The word "storey" in this section shall not apply to or include any attic in the roof or any basement floor of a building.

68. No building shall be erected on any part of a hollow square if any of the buildings erected or to be erected on such hollow square are or are intended to be used as dwelling-houses unless and until the Corporation are satisfied that proper provision has been made for the ventilation of such hollow square (a) by means of openings of not less than ten feet in width from the street or streets forming such hollow square to the enclosed space of back-ground in such hollow square

Ventilation
of hollow
squares.

A.D. 1936. — which openings shall not be built upon or over or (b) by such other means as they may approve.

Buildings in back-ground of hollow squares.

69. No building other than the usual waterclosets coal-houses and other conveniences shall be erected on the area of back-ground in any hollow square if any of the buildings erected or to be erected on such hollow square are or are intended to be used as dwelling-houses Provided that the Corporation may on a report by the medical officer that the erection and use of the proposed building will not be injurious or offensive to the occupiers of the surrounding or adjacent buildings permit on such terms and conditions as they think fit the erection on such area of back-ground of buildings (other than dwelling-houses) not exceeding two storeys in height.

Common stairs to be ventilated.

70. The owner or owners of common stairs or passages or private courts shall have the same provided with proper means of ventilation and for the admission of light to the satisfaction of the city engineer.

D.—Special provisions as to dwelling-houses &c.

Dwelling-houses to front streets fifty feet wide.

71. Subject to the provisions of this Order no new building intended to be used as a dwelling-house shall be erected unless it fronts a street not less than fifty feet in width measured across the street from the back of the footway (or if there is no footway from the outer edge of the carriageway) on the one side of the street to the back of the footway (or if there is no footway to the outer edge of the carriageway) on the opposite side of such street or has along the whole front of such building an open space adjoining not less than fifty feet in width at any part Provided always that this section shall not extend to the rebuilding of any existing dwelling-house nor to the erection with the consent in writing of the Corporation of a dwelling-house in a lane for a coachman chauffeur or the like.

No building to be erected in front of a dwelling-house.

72. Where the front wall of any dwelling-house is retired less than one hundred feet from the line of the street in which it is erected no building other than a boundary or enclosing wall shall without the consent of the Corporation be erected in front of such dwelling-house unless such house shall cease to be used for human

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habitation Provided always that where a shop not exceeding one storey in height shall with the consent in writing of the Corporation be erected in front of any such dwelling-house and the floor of such dwelling-house on the level with the street shall be converted into and occupied as business premises the remaining portion of such dwelling-house above the said floor may continue to be used for human habitation. A.D. 1936.

73. If any apartment is used for human habitation or as a workshop the floor of which apartment is below the level of high-water mark of ordinary spring tides the Corporation may on receiving a certificate or declaration from the medical officer or the sanitary inspector that the said apartment is unfit to be used for human habitation or as a workshop as being injurious to health cause a notice to be served on the owner of such apartment and on the occupier thereof that such apartment is unfit to be used for human habitation or as a workshop and shall not after a date to be specified in such notice be so used and any person who after the date specified in such notice lets or occupies or continues to let or occupy or knowingly suffers such apartment to be so used shall be guilty of an offence and shall be liable to a penalty not exceeding twenty shillings for every day during which the said apartment is so let or occupied and the Corporation may also cause the occupier to be removed from such apartment. As to apartments for human habitation below high-water mark.

74.—(1) If any dwelling-house which consists of not more than three apartments is used for the purpose of sleeping in by a greater number of persons than in the proportion of one person of the age of eight years or upwards for every three hundred cubic feet of space or of one person of an age less than eight years for every one hundred and fifty cubic feet of space contained therein (exclusive of lobbies closets and presses and of recesses not exceeding four feet in depth and not having a separate window therein and not perfectly clear from floor to ceiling and from wall to wall and exclusive also of recesses in which there is any fixture whatever) every person so using such dwelling-house or suffering it to be used shall be guilty of an offence and shall be liable to a penalty not exceeding five shillings for every day or part of a day during which it is so used or suffered to be Penalty for exceeding numbers who may occupy certain dwelling-houses.

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A.D. 1936. — used and the sanitary inspector or any person authorised by the Corporation may from time to time enter such dwelling-house if they believe that the provisions of this section are being contravened.

(2) This section shall cease to have effect on the fixing for the city by the Department of Health for Scotland of the appointed day for the purposes of Part I of the Housing (Scotland) Act 1935.

25 & 26
 Geo. 5. c. 41.

Height of
 rooms.

75. Unless the Corporation otherwise allow every habitable room built after the commencement of this Order (except rooms on the ground floor and in the roof) shall be not less than nine feet in height in every part from the floor to the ceiling and every such room on the ground floor shall be not less than nine feet six inches in height in every part from floor to ceiling and every such room in the roof shall over one-half of the area thereof be not less than eight feet in height from the floor to the ceiling.

No
 apartment
 to be let
 or used for
 sleeping in
 unless it
 has one or
 more
 windows of
 a propor-
 tionate
 size.

76. It shall not be lawful for any owner or the factor or agent of any owner to let or for any person to take on lease or to use or suffer to be used as a sleeping apartment any apartment in which there is not at least one window or in which each window (be there one or more) is not so constructed or hung as that at least one-third of it may be conveniently and easily opened or in which the sash of the window or the sashes of the several windows taken together is or are not of the dimensions hereinafter provided (that is to say) :—

If the said apartment contains less than two thousand five hundred cubic feet of space unless the said sash or sashes give a superficial area in the proportion of one foot for every hundred of such cubic feet ;

If the said apartment contains more than two thousand five hundred cubic feet of space unless the said sash or sashes give a superficial area in the proportion of one foot for every one hundred and fifty of such cubic feet.

Size and
 height of
 windows.

77. Every habitable room hereafter built shall have at least one window one-half of which shall be made to open to the full extent and the total area of glass

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in the window or windows shall be at least one-tenth of the area of the floor of such room and the top of the windows shall be such height being not less than seven feet above the floor of the room as the Corporation may approve and if such room be without a fireplace it shall be provided with special means of ventilation by air shaft or otherwise as the Corporation may approve. A.D. 1936.
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78. Within one month after notice given by the Corporation in writing for that purpose the owner of every dwelling-house or part of a dwelling-house occupied by a separate family into which water has not been already introduced shall subject to the provisions of any byelaws made by the Corporation introduce water thereto and shall fit up in some window recess or other well-lighted and ventilated place a sink with a waste pipe sufficient to carry off the whole foul water and after a like notice every such owner shall also subject as aforesaid provide for such dwelling-house or part of a dwelling-house occupied by a separate family wherever practicable a sufficient watercloset. Provided always that where it is not advisable to introduce waterclosets into each dwelling-house or part of a dwelling-house the Corporation after a like notice may subject as aforesaid require the owners of a tenement to construct on each flat or in some convenient place or places adjacent to such tenement a sufficient number of waterclosets for the use of the inmates and occupiers of the said tenement. Provided further that the provisions of this section shall not be enforced by the Corporation where from water not having been laid on under sufficient pressure or from drains being still unmade or from any other cause such works shall be impracticable or inexpedient but in such event such provisions may be enforced by the Corporation subject to the substitution therein of references to "privies" in lieu of the references to "waterclosets."

Water and water-closets &c.

79. The owner of any dwelling-house who shall as provided in the section of this Order of which the marginal note is "Water and waterclosets &c." be required by the Corporation to introduce water into such dwelling-house or part thereof or to fit up a sink or to provide a soil-pipe or watercloset or privy shall execute such works to the satisfaction of the Corporation within one month after notice in writing for that purpose given

Penalty for neglecting to provide water-closets privies &c.

A.D. 1936. — by the Corporation to him and in default thereof the Corporation shall cause such works to be executed so nevertheless that the cost of executing such works shall not without the written consent of the owner exceed two-thirds of the gross annual value of such dwelling-house as entered in the valuation roll and the expense incurred thereby if not forthwith paid by the owner shall be recoverable in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses from owners."

Minimum accommodation for new dwelling-houses.

80. The following provisions shall have effect as regards the minimum accommodation for any new building to be used as a dwelling-house:—

- (a) Except with the consent of the Corporation in exceptional circumstances every such building shall have at least three habitable rooms;
- (b) Every such building shall have at least one habitable room having a floor area of not less than one hundred and fifty superficial feet and one habitable room having a floor area of not less than one hundred and thirty-two superficial feet and no habitable room in such building shall have a floor area of less than seventy-five superficial feet;
- (c) In computing the floor area of any room no account shall be taken of any part of such room which has a less height than five feet or of any lobbies closets presses and recesses;
- (d) Every such building shall be provided with suitable and sufficient washing-house and scullery accommodation and also with a fixed bath and sufficient and properly ventilated food storage accommodation.

E.—Public buildings &c.

Regulations for protection against fire in buildings used for

81.—(1) The Corporation may from time to time subject to the approval of the sheriff make such regulations as they may think expedient with respect to the requirements for the protection from fire of buildings used as places of public resort kept or intended to be

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kept open for the public performance of stage plays or music for cinematograph shows for public dancing or for other public entertainment of the like kind having in any case accommodation therein for the public of a superficial area of five hundred square feet or upwards and the Corporation may by such regulations prescribe the requirements as to position design structure and equipment of such buildings which may in the opinion of the Corporation be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof Provided that the Corporation may from time to time in any special case on a report from the city engineer the chief constable and the firemaster dispense with or modify such regulations or annex thereto conditions if they think it necessary or expedient so to do.

A.D. 1936.

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entertain-
ment and
public
resort.

(2) The Corporation shall after the making altering varying or amending of any such regulations cause the same to be printed with the date thereof and a printed copy thereof shall be kept at the office of the town clerk and all persons may during office hours inspect such copy without payment and the Corporation shall furnish a printed copy of all regulations for the time being in force to every person applying for the same on payment by such person of any sum not exceeding one shilling for every such copy.

(3) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(4) After the making of any such regulations it shall not be lawful for any person to have or keep open such building for any of the purposes aforesaid unless and until the Corporation grant to such person a certificate in writing to the effect that such building is at the date of the grant of the certificate in accordance with the regulations made by the Corporation in pursuance of this section and for the time being in force and in so far as the same are applicable to such building and to the conditions (if any) annexed thereto by the Corporation.

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(5) In case any such building is opened or kept open by any person for any of the purposes aforesaid contrary to the provisions of this section such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding fifty pounds and to a daily penalty of the like amount for every day on which such house or place of public resort is so kept open as aforesaid.

Regulating
existing
buildings
for places
of public
meetings
&c.

82.—(1) The Corporation may cause every existing building used or proposed to be used as a church chapel or school or place of public amusement or entertainment or for holding large numbers of people for any purpose to be inspected and may order and require such means to be taken by the owner or the occupier of such building for providing proper means of access to and exit from such building and for securing that such means of access and exit are kept free from obstruction and for protection from fire and other danger to the public as to the Corporation shall seem fit.

(2) In the event of any person failing to comply with any such order and requisition within the period therein prescribed the sheriff may on the application of the procurator fiscal appointed and acting under the City Acts interdict and prevent the use of any building for any such purposes until such order or requisition shall be complied with.

Means of
escape from
buildings in
case of fire.

83.—(1) Every building used or intended to be used as a restaurant hotel dance-hall hospital nursing-home boarding-house common lodging-house or school or college or for purposes of a character similar to any of the foregoing shall be provided with such means of escape in case of fire for the persons dwelling or employed therein or resorting thereto as the Corporation may reasonably require.

(2) The means of escape in case of fire so provided in any building shall be maintained in good condition and free from obstruction.

(3) Any person who shall fail to provide within one month or such longer period as the Corporation may order such means of escape as the Corporation shall require or shall fail to maintain such means of escape in accordance with subsection (2) of this section

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shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1936.
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(4) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same. 1 Edw. 7.
 c. 22.

84. The Corporation may order the owner or occupier of any hotel public-house restaurant fried fish shop theatre music-hall picture-house or other place of public entertainment amusement or resort to provide within such time as the Corporation think fit and thenceforward to maintain within or adjoining to his premises suitable lavatory accommodation (including waterclosets urinals and other necessary conveniences) to their satisfaction and every person who shall fail to comply with such order shall be liable on summary conviction to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of the period specified in such order and the Corporation may order the owner or occupier of any premises as aforesaid to remove any watercloset or earthcloset or urinal belonging thereto where it appears to them to be so situated or constructed or to be in such a state as to be a nuisance or offensive to public decency or otherwise objectionable and may order the substitution of such other lavatory accommodation (including waterclosets urinals and other necessary conveniences) as they may deem proper and all such lavatory accommodation shall be cleansed once in twenty-four hours by the occupier of the house or place to which it belongs to the satisfaction of the sanitary inspector and in default thereof such occupier shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings. Lavatory accommodation in public-houses &c.

F.—Ruinous or dangerous buildings.

85.—(1) If any building or anything affixed thereon be deemed by the city engineer to be in a ruinous or insecure state and dangerous to any of the inhabitants of such building or to passengers or to the occupiers of the neighbouring buildings the city engineer shall immediately Ruinous or dangerous buildings to be taken down or secured by owners.

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— cause a proper hoarding or fence to be put up for the protection of passengers and shall cause notice in writing to be given to the owner of such building or other thing if he be known and resident in the city and shall also cause such notice to be put on the door or other conspicuous part of such building or otherwise to be given to the occupier thereof (if any) requiring such owner or occupier forthwith to take down secure or repair such building or other thing as the case shall require.

(2) If such owner or occupier do not begin to repair take down or secure such building or other thing within the space of three days after such notice has been so given or put up as aforesaid and complete such repairs or taking down or securing as speedily as the nature of the case will admit the city engineer may make complaint thereof to the sheriff and it shall be lawful for the sheriff to order the owner or in his default the occupier (if any) of such building or other thing to take down rebuild repair or otherwise secure to the satisfaction of the city engineer the same or such part thereof as appears to the city engineer to be in a dangerous state within a time to be fixed by the sheriff which order shall be final.

(3) If such owner or occupier do not begin within the space of three days after the service of such order to take down repair and rebuild or otherwise secure such building or other thing or if such building or other thing be not taken down repaired rebuilt or otherwise secured within the time so fixed by the sheriff or if no owner or occupier can be found on whom to serve such order the Corporation shall with all convenient speed cause all or so much of such building or other thing as shall be in a ruinous or insecure condition and dangerous as aforesaid to be taken down repaired rebuilt or otherwise secured in such manner as shall be requisite.

(4) All expenses incurred by the Corporation in putting up every such hoarding or fence and in taking down repairing rebuilding or securing such building or other thing and the expense of the proceedings (if any) before the sheriff shall be paid by the owner of such building or other thing and may be recovered as damages.

If immediate danger apprehended

86. If immediate danger is in the opinion of the city engineer to be apprehended to the inhabitants of any building which is in a ruinous or insecure state or

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to passengers or other persons he shall present an application to the sheriff to order such proceedings to be taken as may appear to the sheriff necessary to prevent such danger and the sheriff shall thereupon personally inspect such building and if he sees fit may order the occupiers of such building or of any neighbouring buildings and their furniture and goods to be removed therefrom and also if need be may order the street in which such building is situated or part thereof to be shut up and to remain shut up until the necessary operations or repairs shall have been made or may order such other proceedings to be taken as appear necessary for the safety of such inhabitants or the public which orders of the sheriff shall be final and the expense of the proceedings before the sheriff and of the operations performed in consequence of such orders shall be paid by the owner of such building and may be recovered as damages.

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 sheriff may order removal of inhabitants.

87. A certificate of the amount of the expenses incurred in any of the cases under the provisions of this Head of this Part of this Order signed by two of the members of the Corporation shall conclusively fix the amount thereof.

Amount of expenses to be certified by two members of Corporation.

88. If the owner by whom such expenses are payable can be found in the city and if on demand he neglects or refuses to pay the same the sheriff shall on a certificate of such demand and neglect or refusal signed by two of the members of the Corporation grant decree against such owner for payment thereof and for costs on which decree all legal diligence may proceed or the Corporation may proceed against such owner whether found in the city or not for recovery of such expenses as damages.

Expenses to be levied on owner.

89. If such owner cannot be found in the city or if such expenses are not otherwise fully recovered the Corporation after giving twenty-eight days' notice of their intention to do so by posting a printed or written notice in a conspicuous place on such building or on the land whereon such building stood may take such building or land and the land connected therewith provided that such expenses be not paid or tendered to them within the said twenty-eight days making compensation to the owner of such building or land in the manner provided

If owner cannot be found Corporation may take house or ground making compensation.

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A.D. 1936. — by the Lands Clauses Acts in the case of lands taken otherwise than with the consent of the owners and occupiers thereof and the Corporation shall be entitled to deduct out of such compensation the amount of the expenses incurred as aforesaid and may thereafter sell or otherwise dispose of the said building or land for the purposes of the City Acts.

Corporation
may sell
materials
restoring
to owner
surplus
arising
from sale.

90.—(1) If any building or any part thereof be pulled down as hereinbefore provided the Corporation may sell the materials and apply the proceeds of such sale in payment of the expenses incurred in respect of such building and the Corporation shall restore any surplus arising from such sale to the owner of such building on demand.

(2) The Corporation besides selling such materials for the purposes aforesaid shall have the same remedies for recovering payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for recovering payment of the whole of the said expenses.

Sale of
ruinous
and waste
property
and disposal
of price.

91.—(1) Where any building which belongs to two or more persons jointly or in separate portions or of which the owner is unknown to the Corporation has been pulled down under the provisions of this Head of this Part of this Order and the rebuilding thereof has not been begun within one year thereafter or where such building has from natural decay or from fire or other cause become ruinous or unsafe for occupation and has continued in that condition for one year it shall be lawful for the sheriff on application by petition of the Corporation or of any joint owner of such building or of any owner of a part thereof to call all parties interested therein before the sheriff by service of the petition in ordinary form or where the owner is unknown by such advertisement as to the sheriff shall seem proper and it shall thereafter be lawful for the sheriff to order such building or the land whereon it stood and the land connected therewith (in this section referred to as "property") to be valued upon oath by one or more valuers.

(2) Where there are more owners than one interested in such property such valuers shall distinguish the

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portions of such property and the corresponding proportions of the value which belong to the several owners interested and the sheriff shall thereupon give to each party the option to buy or acquire from or to sell and convey to the others their respective portions of or interests in such property agreeably to such valuation or at such other price as shall be agreed amongst themselves and that within a reasonable time to be fixed by the sheriff not exceeding six weeks.

A.D. 1936.]
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(3) If the said parties shall fail to take advantage of such option within the time so fixed or shall not be able to agree as to which shall be the buyer and which the seller or if no owner shall enter appearance on the petition it shall be lawful for the sheriff to cause such property to be exposed to sale by public auction at a price not being less than the sum fixed by the valuers.

(4) If there are no offerers the sheriff may reduce the upset price from time to time and may sell such property to the highest bidder under such regulations and upon such conditions and after such public notice by advertisement in the newspapers or otherwise as the sheriff shall appoint and the purchaser thereof shall be taken bound within ten days after the sale or within such time as may be fixed by the sheriff to consign or deposit the purchase money in any joint stock or chartered bank upon a receipt or voucher subject to the orders of the sheriff and the moneys so consigned or deposited shall remain in such bank at interest for the behoof of all parties interested therein under the control and subject to the future orders of the sheriff.

(5) Upon such consignment or deposit being so made the sheriff shall pronounce his decree or warrant declaring the purchase duly completed and authorising immediate possession of such property so sold to be given to the purchaser thereof and such warrant or decree shall upon being registered in the register of sasines in which the prior titles of such subjects may or might competently have been registered be a valid and sufficient feudal title to such purchaser who shall thereafter be at full liberty to exercise every lawful right of property therein without being subject to challenge by any party whomsoever.

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(6) If the purchaser at any such sale as aforesaid shall fail to fulfil the conditions thereof within the time thereby prescribed it shall be lawful for the sheriff to cause such property to be re-exposed and sold of new and such sale shall proceed in every respect in the same manner as is hereinbefore provided in regard to the first sale and the sheriff shall continue in case of failure as aforesaid to cause such property to be re-exposed for sale until the same shall be sold and the price thereof consigned or deposited in bank as aforesaid.

(7) Upon the completion of any such sale the sheriff on the application of any party interested shall order payment from such consigned or deposited money of the expenses of the proceedings and of the expenses (if any) incurred under the provisions of this Head of this Part of this Order by reason of the dangerous condition of such property and due to the Corporation and shall also upon such evidence as he may deem expedient proceed to ascertain and determine the extent and value of the share of each party claiming interest in such property so sold if there are more claimants than one and to apportion and divide the price obtained for the same and consigned or deposited as aforesaid and shall order payment thereof to the several parties accordingly subject to such orders in respect of expenses as the sheriff may pronounce and where the consigned or deposited money or any part thereof shall not be claimed by any person the same shall remain consigned or deposited in bank subject to the future orders of the sheriff.

Removal of
buildings
in case of
fire &c.

92. The firemaster or the firemen acting under his control or direction shall in cases of emergency and for extinguishing or preventing the extension of or diminishing the loss caused or likely to be caused by any fire and protecting the lives and property of the inhabitants have power to remove buildings or parts of buildings which have become dangerous in consequence of damage by fire or to take measures for supporting and protecting such buildings or barricading and closing or shutting up any street or part thereof and the expense so incurred shall be recoverable by the Corporation as damages from the proprietor of the dangerous building.

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*G.—Regulation of tents &c. used for human
habitation.*

A.D. 1936.

93.—(1) It shall not be lawful for any person without the consent of the Corporation—

Regulation
of tents
vans &c.

(a) to let or use or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation; or

(b) to place or keep on any land any such tent van shed or similar structure;

and such consent may be given for such period and on such conditions as the Corporation think fit Provided that consent under this section shall not be required by any person in respect of—

(i) any tent van shed or similar structure provided by or belonging to or used by—

(a) any duly constituted religious or charitable society or body to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary;

(b) any association incorporated by royal charter or any organisation constituted by any such last mentioned association in pursuance of their charter;

(c) any duly constituted society or body operating within Great Britain which by their rules undertake responsibility for the efficient management of the camping grounds provided by or belonging to them or used by their members and for the good conduct of their members when in camp;

(d) any portion of H.M. Military or Air Forces or which may be certified as under supervision of or by a territorial army association an auxiliary air force association or a county joint association or by a cadet unit of the British National Cadet Association officially recognised by the Army Council or by a university air squadron officially recognised by the Air Council;

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- (ii) any tent van shed or similar structure erected or to be erected on the property of a railway company for railway purposes;
- (iii) any tent van shed or similar structure used or intended to be used for human habitation by a person whose regular employment or occupation is that of a roundabout proprietor or travelling showman (not being a pedlar or hawker) Provided that the period during which such tent van shed or similar structure is so used in the city shall not exceed a period of six months in any period of twelve months and that such tent van shed or similar structure is only used in connection with his employment or occupation;
- (iv) any tent of canvas or similar material erected or to be erected by a person in the garden of any house occupied by him and used or to be used by him as ancillary to such house;
- (v) any tent van shed or similar structure used or intended to be used by the occupier for human habitation in the city where such use shall not exceed a period of three months in any period of twelve months.

(2) Any person aggrieved by the withholding by the Corporation of consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to the sheriff and the sheriff may make such order and on such terms and conditions as to the sheriff may seem just.

(3) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

60 & 61 Vict.
c. 38. (4) Section 73 (Tents and vans used for human habitation) of the Public Health (Scotland) Act 1897 shall in its application to the city be extended so as to authorise the Corporation to make byelaws with respect to the number of tents vans sheds or similar structures used or intended to be used for human habitation to be

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permitted on any land the area to be allotted to each such tent van shed or similar structure and the provision of adequate lighting of such land or area and precautions against fire and sections 183 to 187 of the said Act shall extend and apply to any byelaws made by the Corporation under this section. A.D. 1936.

(5) For the purposes of this section the expression "tent van shed or similar structure" shall include any railway carriage (other than a railway carriage belonging to and used by a railway company for the purpose of its railway undertaking) truck tramcar motor-car caravan trailer or other vehicle (whether the wheels of any such vehicle have or have not been removed) used or intended to be used for human habitation.

H.—Saving in respect of Part III (Buildings).

94. Nothing contained in the sections of this Order the marginal notes of which are respectively— Saving for works of railway companies.

- "As to building lines at street corners";
- "External elevation of buildings &c.";
- "Height of buildings in streets";
- "Measurement of height of buildings";
- "Inspection of buildings";
- "Additions to and alterations of buildings";
- "Building byelaws";
- "Open space in rear of dwelling-houses";
- "No building to be erected in front of a dwelling-house";

and (subject to the provisions of subsection (3) of section 8 of the London and North Eastern Railway Order 1925 and section 54 of the London Midland and Scottish Railway Act 1924 or of any Act or Order amending the same)— 15 & 16 Geo. 5. c. lxx. 14 & 15 Geo. 5. c. liv.

"Height of rooms";

shall apply to any building or property (other than dwelling-houses) belonging to a railway company or

A.D. 1936. — used for railway purposes or affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes except with respect to sewers drains and other sanitary matters.

PART IV.

SEWERS &C.

A.—Sewers drains and watercourses.

Sewers &c.
vested in
Corporation
and to be
maintained
by them.

95. All sewers whether existing at the commencement of this Order or made at any time thereafter shall vest in and belong to and be under the management and control of the Corporation and subject to the provisions of this Order the Corporation may continue maintain renew alter and repair the same together with all necessary and proper appliances works and conveniences incidental or subsidiary thereto.

Power to
take over
common
and private
drains.

96. The Corporation may if they think fit take over by agreement any common drain or private drain on such terms and conditions as they may think fit and every such common drain or private drain so taken over shall vest in and belong to the Corporation Provided that notwithstanding any such taking over any person who previously thereto may have acquired perpetual right to use any common drain or private drain so taken over shall be entitled to use the same or any other sewer substituted therefor in as full and ample a manner as he would or might have done if such common drain or private drain had not been so taken over.

Common
and private
drains not
to be used
by Corpora-
tion
without
consent.

97. Nothing in this Order contained shall be construed to authorise the Corporation contrary to or inconsistently with any private right to use injure or interfere with any common drain or private drain or other works already made or used for the purpose of draining preserving or improving land or for the purpose of irrigating land without consent in writing first had and obtained and nothing in this Order contained shall prejudice or affect

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the rights privileges powers or authorities belonging to any person for the drainage preservation improvement or irrigation of land. A.D. 1936.
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98. Subject to the provisions of this Order the Corporation shall from time to time cause to be made under the streets or elsewhere such main and other sewers together with all such reservoirs sluices engines and other works as shall be necessary for the effectual draining of the city and if needful they may carry such sewers through and across all underground cellars and vaults under any of the streets doing as little damage as may be and making compensation for any damage done in manner provided by the Lands Clauses Acts and if it be found necessary for completing any of the said works to carry the same into or through any enclosed or other lands the Corporation may carry the same into or through such lands accordingly making compensation for any damage done in the like manner to the owners and occupiers thereof and the Corporation may cause such sewers to communicate with and discharge into the sea or any public river or may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural or other purposes as may be deemed most expedient but so that the same shall in no case become a nuisance.

Power to Corporation to construct sewers making compensation to owners of property.

99. Notwithstanding anything in this Order contained it shall be lawful for the Corporation if it shall be necessary for the purpose of carrying any sewer or other works into or through any enclosed or other lands (as authorised to be done by the section of this Order of which the marginal note is "Power to Corporation to construct sewers making compensation to owners of property") to stop up alter or remove any common drain or private drain within such lands not being a sewer if such there be made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament Provided always that if any person shall by means of such stopping up alteration or removal be deprived of the use of any such common drain or private drain which such person was theretofore lawfully entitled to use the Corporation shall provide a sewer equally effectual for such purpose and the provisions of the section

Power to stop up common and private drains.

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(*Streets Buildings Sewers &c.*) 1 EDW. 8.]
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A.D. 1936. — of this Order of which the marginal note is “ Corporation
“ not to destroy existing sewers &c. without providing
“ others ” shall extend and apply to the case where any
person has by such means been deprived of such use.

Sewers
may be
made to
discharge
below high-
water mark.

100. If the Corporation shall consider it necessary for public health purposes that any sewer should discharge into the sea or into any public river below high-water mark they shall subject to the provisions of this Order be entitled to construct the requisite works for that purpose in the manner provided by this Order.

Corporation
may alter
sewers.

101. Subject to the provisions of this Order the Corporation may from time to time repair enlarge arch over and otherwise improve any sewer or any stream or watercourse which may be used as a sewer and if any such sewer at any time appear to them to have become useless the Corporation if they think fit to do so may demolish and discontinue such sewer provided that it be so done as not to create a nuisance.

Corporation
not to
destroy
existing
sewers &c.
without
providing
others.

102. If the Corporation by means of any enlargement alteration or discontinuance of any sewer common drain or private drain or other proceeding by them deprive any person of the use of such sewer common drain or private drain which such person was theretofore lawfully entitled to use the Corporation shall provide some other sewer common drain or private drain equally effectual for such purpose and if the Corporation refuse or do not within seven days next after notice in writing served upon them begin and thereupon proceed to restore to its former effective state such sewer common drain or private drain the use whereof has been affected by the acts of the Corporation or to provide such other sewer common drain or private drain as aforesaid they shall forfeit to the person aggrieved any sum not exceeding forty shillings for every day after the expiration of such seven days during which he is deprived of the use of the sewer common drain or private drain to which he was so entitled and is not provided with such other sewer common drain or private drain as aforesaid.

Application
to be
made to
Corporation

103.—(1) Every person who intends to construct alter extend or enlarge any common drain or private drain except in pursuance of a notice given to him by the

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city engineer in pursuance of the section of this Order of which the marginal note is "Common and private drains privies cesspools watercourses &c. to be kept in good order by owners" shall give notice thereof to the Corporation accompanied by a plan and specifications.

A.D. 1936.
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and approval obtained before any drain is constructed.

(2) Such plan shall show the intended line of such common drain or private drain its size depth and inclination the proposed point of junction with any sewer common drain or private drain the method of making such junction and the details of the arrangements proposed to be adopted for ventilation.

(3) Such plan shall be signed by the person intending to construct alter extend or enlarge the common drain or private drain or by his agent and shall when received by the Corporation become their absolute property and be retained by them.

(4) If after the date of the giving of any notice to the Corporation under the provisions of this section any alteration is made on the plan accompanying such notice by the person intending to construct alter extend or enlarge the common drain or private drain the date on which such alteration is made shall be deemed to be the date of the giving of such notice.

(5) The Corporation shall within eight weeks after receiving any notice given to them under this section approve the plan accompanying such notice or decline to approve such plan or approve such plan subject to such conditions as they may deem necessary in order to secure efficient drainage of the building or buildings proposed to be drained by such common drain or private drain and to ensure compliance with the provisions of this Order.

(6) If the Corporation fail to signify in writing their approval or disapproval or approval subject to conditions as aforesaid of any such plan within eight weeks after receiving any such notice the person giving such notice may notwithstanding anything in this Order proceed to carry out the work shown on such plan in accordance with such plan provided that such work be carried out otherwise in accordance with the provisions of this Order.

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—
Penalty
for making
unauthor-
ised drains
&c.

104. Every person who—

(a) constructs alters extends or enlarges any common drain or private drain in contravention of the immediately preceding section of this Order; or

(b) without the consent in writing of the Corporation makes any opening into or connection with any sewer;

shall be guilty of an offence and the Corporation may cause any such common drain or private drain constructed altered extended or enlarged in contravention of the immediately preceding section of this Order or any such opening or connection to be removed restored or re-made as they think fit and all the expense incurred thereby shall be paid by the person constructing altering extending or enlarging such common drain or private drain or making such opening or connection and shall be recoverable by the Corporation as damages.

No buildings
over sewers
&c. and no
vaults &c.
under
streets to
be made
without
consent of
Corporation.

105. Subject to the provisions of this Order no building shall be erected over any sewer common drain or private drain and no vault arch or cellar shall be made under the carriageway of any street or under any carriage-crossing constructed across the footway of any street without the consent in writing of the Corporation and all such vaults arches and cellars shall be substantially made and so as not to interfere or communicate with any sewer and if after the commencement of this Order any building be erected or any vault arch or cellar be made contrary to the provisions of this section the Corporation may demolish or fill up the same and the expenses incurred thereby shall be paid by the person erecting such building or making such vault arch or cellar and shall be recoverable as damages.

Streets
may be
stopped up
during
repairs.

106. The Corporation may stop up any street or part thereof and prevent the same from being used as a common passage or thoroughfare for a reasonable time during the construction alteration repair or demolition of any sewer common drain or private drain in or under such street.

Power to
alter roads
&c. tem-
porarily.

107. For the purposes and during the execution by the Corporation of any works on or in connection with any sewer common drain or private drain the Corporation

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may subject to the provisions of this Order use break up or cross over or under alter or stop up temporarily any streets quays bridges tramways passages sewers watercourses mill leads or mill dams sluices gas pipes and water pipes and electric or telephonic apparatus which they may find it expedient for any of those purposes so to interfere with providing when reasonably practicable a proper temporary substitute before interrupting the traffic on any such street quay bridge or tramway or the flow of water gas sewage or electricity in any such sewer watercourse mill lead mill dam sluice or pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to or authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

A.D. 1936.

45 & 46
 Vict. c. 56.

108. The Corporation shall during the construction or repair by them of any sewer common drain or private drain take such precaution for guarding against accident by shoring up and protecting the adjoining houses and shall cause such bars chains or ropes to be fixed across or in any of the streets to prevent the passage of vehicles and horses while such works are carried on as they may think fit and the Corporation shall cause any sewer common drain or private drain during the construction or repair thereof by them to be lighted and guarded during the night so as to prevent accidents and every person who takes down alters or removes any such bars chains or ropes or extinguishes any such light without the authority or consent of the Corporation shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Barriers to be erected across streets during construction or repair of sewers and drains.

109. All sewers common drains and private drains shall be provided by the Corporation or other persons to whom they severally belong with proper traps or other coverings or means of ventilation so as to prevent stench.

Sewers and drains to be provided with traps.

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Sewers may
be used by
owners and
occupiers
of lands
beyond
city.

110. Any person being the owner or occupier of any lands beyond the city may with the consent of the Corporation first obtained in writing upon payment to them of a reasonable sum of money to be agreed upon between them at his own expense and under the superintendence of the city engineer drain the buildings on such lands into any sewer in such manner as the Corporation may approve provided that nothing in this section contained shall affect any existing right of any such owner or occupier to use any sewer.

Corpora-
tion may
construct
drains from
buildings
and fill up
cesspools
&c. charging
owners with
expense.

111.—(1) If any building be at any time not drained by a sufficient common drain or private drain communicating with some sewer or common drain or with the sea to the satisfaction of the Corporation and if there shall be a sewer within one hundred feet of any part of such building the Corporation may construct or lay from such building a private drain of such materials of such size at such level and with such fall as they think necessary for the drainage of such building. Provided that the cost of executing such work shall not without the written consent of the owner of such building exceed two-thirds of the gross annual value of such building as entered in the valuation roll and the expenses incurred by the Corporation in respect thereof if not forthwith paid by the owner of such building shall be recoverable from such owner in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses from owners."

(2) When the Corporation shall have executed in the case of any building the work authorised by this section they may fill up any cesspool or septic tank into which the drainage from such building was conveyed and the expense of filling up such cesspool or septic tank shall be held to be part of the cost of executing the work authorised by this section.

Branch
drains or
pipes may
be carried
through
intervening
property.

112.—(1) Where any common drain or private drain is to be laid from any building to any sewer the owner and occupier of any other building or land which intervenes between such first-mentioned building and such other building or land shall if required by the Corporation permit such common drain or private drain to be carried

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through or under such other building or land on receiving payment of reasonable compensation in respect thereof from the Corporation or person (as the case may be) constructing such common drain or private drain and all such owners and occupiers shall at all reasonable times afford access to all such buildings or land owned or occupied by them for the construction of the works and for making all repairs necessary thereon. Provided always that the works shall be so executed as to occasion the least inconvenience to any such owner or occupier and that any injury done to such buildings or land in the execution of the works shall be forthwith repaired and that the amount of the compensation to be paid in respect thereof shall failing agreement be determined by arbitration under the provisions of the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

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(2) Where such compensation shall be paid by the Corporation the amount thereof shall be held to be part of the cost of executing the work authorised by the immediately preceding section of this Order.

113.—(1) All common drains private drains water-closets privies ashpits cesspools septic tanks and all watercourses ditches culverts and drains situate on land laid out for building (all or any of which are in this and the two immediately succeeding sections of this Order referred to as "drains") shall be under the survey and control of the Corporation and shall be altered repaired and kept in proper order at the costs and charges of the owners of the lands to which the same belong or for the use of which they are constructed or continued and if the owner or occupier of any lands to which any such drain belongs neglects during seven days after receiving notice in writing from the city engineer to alter repair and to put the same into good order in the manner required the Corporation may cause such drain to be altered repaired covered and put in good order and the expense incurred by the Corporation in respect thereof shall be repaid to them by such owner and shall be recoverable in the manner provided by the section of this Order of which the marginal note is "Recovery of expenses from owners."

Common
and private
drains
privies
cesspools
water-
courses &c.
to be kept in
good order
by owners.

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(2) This section shall not apply to culverts constructed before the commencement of this Order and to the approval of the Corporation.

As to
inspection
of drains.

114. The city engineer may inspect any drain and for that purpose at all reasonable hours in the daytime after twenty-four hours' notice in writing to the occupier of the lands in or to which such drain is situate or attached may enter upon such lands with such assistants and workmen as are necessary and cause the ground to be opened where he thinks fit doing as little damage as may be and if such drain be found to be in proper order and condition he shall cause the ground to be closed and made good as soon as may be and the expenses of opening closing and making good such drain shall in that case be defrayed by the Corporation.

Penalty on
persons
making or
altering
drains
contrary to
orders of
Corporation.

115. If any drain be found on inspection by the city engineer to have been constructed contrary to the directions and regulations of the Corporation in force at the date of such construction or (after the commencement of this Order) contrary to the provisions of this Order or if any person without the consent of the Corporation construct rebuild or unstop any drain which has been ordered by them to be demolished or stopped up or not to be made every person so doing shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the Corporation may cause such drain to be removed re-made or altered as they think fit and the expense attending any such removal re-making or alteration (including the expense of any inspection made by the city engineer in pursuance of the immediately preceding section of this Order) shall be paid by the person by whom such drain was improperly constructed rebuilt or altered and shall be recoverable from him as damages.

Injurious
matter not
to be
allowed to
pass into
sewers.

116. It shall not be lawful for any person to send or permit to flow or pass into any sewer or into any common drain private drain soil pipe or other pipe connecting with any sewer any liquid substance or matter which would be injurious to the construction maintenance use or efficiency of any such sewer or which would cause or be likely to cause silting up corrosion or decay of the materials thereof or which would

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interfere with the treatment of the sewage upon any lands which may be acquired for such purpose by the Corporation or cause or be likely to cause injury to the health of persons engaged in or connected with the construction or maintenance of any sewer and every person contravening the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. A.D. 1936.

117. No person shall permit or suffer any steam or any hot water at a temperature exceeding one hundred and fifty degrees fahrenheit to discharge from any premises into any sewer except with the consent of the Corporation. Discharge of steam into sewers.

118.—(1) The Corporation may subject to the provisions of this Order make byelaws—
(a) fixing the temperature above which it shall be unlawful to allow the effluent to pass from any premises used for carrying on any trade or industry into any sewer;
(b) for preventing—
(i) grease and fat from any club hotel public-house inn slaughter-house knackery butcher's shop fried fish shop or similar premises; or
(ii) any oil or grease from any stable garage works store or similar premises;
from being discharged or thrown or suffered to be discharged or thrown or to pass into any sewer or into any drain channel or water-course. Byelaws as to trade effluents in sewers and for preventing discharge of fat &c. into sewers.

(2) Byelaws made under the powers of this section shall not take effect unless and until they have been confirmed by the Department of Health for Scotland who may allow modify or disallow the same as they may think fit.

(3) Not less than one month before application is made by the Corporation to the said Department for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the city and for

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A.D. 1936. — a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.

(4) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said Department and a copy of such objection shall at the same time be sent to the town clerk and the said Department shall consider the objection before confirming the byelaw.

(5) Every person who acts in contravention of any byelaw made under this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Plans of works for discharging fats &c. into sewers to be approved by Corporation.

119.—(1) Any person desiring to construct or lay any drain pipe or channel into which grease oil or fat will or is likely to be discharged from any club hotel public-house inn slaughter-house knackery butcher's shop fried fish shop or similar premises or from any stable garage works store or similar premises into any sewer common drain private drain channel or watercourse shall before commencing so to construct or lay the same submit plans and sections and such other particulars as the Corporation may require of the proposed works to and for the approval of the Corporation who may give or withhold their approval or in giving their approval may impose such conditions as they think proper.

(2) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

120.—(1) It shall not be lawful to culvert or cover over any stream watercourse or ditch except in accordance with plans and sections to be submitted to and approved by the Corporation Provided that the approval of the Corporation shall not be unreasonably withheld.

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(2) If any difference shall arise between the Corporation and the owner of any lands as to the reasonableness of the requirements of the Corporation under this section such difference may be determined by the sheriff on the application of either party. A.D. 1936.

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

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

Provided always that in the case of the application of the powers of this section to the North Burn of Rubislaw and the West Burn of Rubislaw the owners of the lands through which those burns run shall have the option of carrying out the requirements of the Corporation under this section or of conveying to the Corporation free of burden and cost the ground over which those burns run together with a verge of land extending to a width of twenty feet on each side measured from the edge of the banks thereof or in the case where the burns abut on a street or other public place or land not belonging to the owners of those burns a verge of land belonging to such owners extending to a width of thirty feet along the side of the burn.

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

(3) Nothing in this section shall authorise the Corporation to require the execution of works upon the land

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A.D. 1936. — of any person other than the owner of the land laid out for building without the consent of that person or prejudicially to affect the rights of any person not being the owner of the land so laid out.

Power to acquire and use patent rights.

122. The Corporation may acquire from any person and use patent rights or licences not being exclusive for or in connection with sewage purposes.

For protection of Aberdeen Harbour Commissioners.

123. The foregoing provisions of this Part of this Order shall not except as may be otherwise agreed in writing between the Corporation and the Aberdeen Harbour Commissioners extend or apply to or in respect of any sewer common drain or private drain vested in the said commissioners.

For further protection of Aberdeen Harbour Commissioners.

124. For the protection of the Aberdeen Harbour Commissioners (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed upon between the commissioners and the Corporation apply and have effect (that is to say) :—

(1) Whereas the commissioners have erected quay walls and wharves along the north and south sides of the river Dee and whereas the existing main sewer of the Corporation leading from a point at the junction of Skene Street with Summer Street to a point in the sea three hundred yards or thereabouts east of Girdleness Lighthouse passes through the foundations of the said quay walls and wharves and the commissioners have constructed special works for the protection of the foundations of the said quay walls and wharves Therefore the commissioners—

(a) shall be entitled to maintain the said special works as heretofore and the cost of such maintenance shall be repaid by the Corporation to the commissioners; and

(b) shall not guarantee or be liable for the efficiency of the said special works for the purpose intended or for the expense of any other works or operations which the Corporation may find it necessary to make or carry on for the security or maintenance

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of the said sewer or for any settlement or failure of the said works or sewer at the points hereinbefore mentioned: A.D. 1936.

- (2) Whereas the said sewer passes along the quays in proximity to the timber wharves belonging to the commissioners at Torry Harbour and wharves on the north bank of the river Dee and the commissioners have made and provided all such works both temporary and permanent as the engineer of the commissioners deemed necessary or expedient for securing the stability of the quays and wharves and other structures Therefore the Corporation shall be liable for and make good to the commissioners any damage which may in future be caused to the said quays wharves or structures by the said sewer or by any leakage failure or defect thereof.

125. For the protection of Colonel James Davidson proprietor of the estate of Balnagask and his successors in the said estate (in this section referred to as "the proprietor of Balnagask") the following provisions shall unless otherwise agreed upon in writing between the Corporation and the proprietor of Balnagask apply and have effect (that is to say):— For protection of estate of Balnagask.

- (1) In the event of the spring or springs from which the dwelling-houses and farm steadings of East Kirkhill and Old Manse derive their present water supply being injured or affected by or in consequence of the construction of the main sewer of the Corporation leading from a point at the junction of Skene Street with Summer Street to a point in the sea three hundred yards or thereabouts east of Girdleness Lighthouse the Corporation shall convey to the said dwelling houses and farm steadings a supply of the city water sufficient for the purposes of such dwelling-houses and farm steadings and shall provide and continue such supply free of cost or charge while and so long as the buildings or any reconstruction of the same are occupied as dwelling-houses or used for agricultural purposes

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Provided that if it shall be found necessary to lay the main or pipe for conveying such supply of water through or along any portion of the estate of Balnagask the proprietor of Balnagask shall grant in favour of the Corporation wayleave for such purpose with reasonable right of access to the track for examining repairing and renewing the main or pipe :

- (2) If any difference shall at any time arise between the Corporation and the proprietor of Balnagask with respect to any matter arising out of any of the provisions of this section such difference shall unless the parties otherwise agree be determined by an arbiter to be appointed on the application of either party by the sheriff.

For
protection
of London
Midland and
Scottish
Railway
Company.

126. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section called "the railway company") shall unless otherwise agreed between the Corporation and the railway company apply and have effect (that is to say) :—

- (1) Where the existing sewer works of the Corporation constructed under the powers of the Aberdeen Corporation Act 1899 are situate under or near to the railway of the railway company or any viaduct bridge or works in connection therewith or any property belonging to the railway company the said sewer works shall be altered repaired and renewed at the expense in all respects of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans and specifications to be submitted to such engineer and approved of by him previously to the commencement of any such alterations repairs or renewals :
- (2) The Corporation shall not enter upon or interfere with the railway or any viaduct bridge or work of the railway company or property belonging to them as aforesaid further or otherwise than may be necessary for maintaining or effecting repairs to the said existing sewer works which

62 & 63
Vict. c. lx.

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may be constructed under or near to the railway or any such viaduct or bridge work or property in accordance with such plans and specifications as aforesaid : A.D. 1936.
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- (3) The said existing sewer works shall be repaired and maintained by the Corporation so as not to injure or endanger the stability of the railway or any works or buildings of the railway company or to cause any interruption impediment or danger to the traffic on the railway :
- (4) If in the repairing or maintaining of the said existing sewer works or any of them the railway or any viaduct or bridge or works thereof shall be injured or endangered or the traffic thereon interrupted impeded or endangered or if any such injury danger interruption or impediment shall otherwise arise in consequence of the said existing sewer works or any failure or defect therein the railway company may execute and do all such works and things as may be necessary to restore remove or prevent such injury danger interruption or impediment without being liable to the Corporation for any injury or interference thereby occasioned to the said existing sewer works and the Corporation shall on demand repay to the railway company all costs and expenses reasonably incurred or paid by them in connection therewith and shall compensate the railway company for all losses damages or compensation which they may sustain or incur or which may be recovered from them by reason of any such injury danger interruption or impediment :
- (5) If any difference shall at any time arise between the Corporation and the railway company or their engineers with respect to any plans sections and specifications or as to the mode of executing any works under this section such difference shall be referred to and determined by an arbitrator to be agreed on or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either the Corporation or the railway company.

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Continuing
scheduled
agreement
with Dee
District
Fishery
Board.

For pro-
tection of
Kincardine
County
Council.

127. The agreement set forth in the Second Schedule to this Order and made between the Corporation and the District Board for the River Dee shall continue to remain in full force and effect to all intents and purposes as if the Act confirming this Order had not been passed.

128.—(1) Whereas in view of the annexation to the city under the Aberdeen Corporation Order 1934 of a certain area which formerly formed part of the county of Kincardine (in this section referred to as "the Kincardineshire area") the county council of the county of Kincardine (in this section referred to as "the county council") were cut off from a convenient outfall to the sea for any sewers that they may find it necessary to construct for the drainage of the area adjoining the Kincardineshire area Therefore the county council shall have the right to discharge the sewage (but not storm or subsoil water) from any sewers which they may construct for the drainage of any part of the said area adjoining the Kincardineshire area into any sewers constructed by or belonging to the Corporation which may be sufficient or suitable for that purpose on payment of such sum proportionate to the use made by the county council of the sewers belonging to the Corporation as may be agreed on or failing agreement may be settled by arbitration as in this section provided.

(2) If any difference shall arise between the Corporation and the county council under the provisions of this section such difference shall failing agreement be determined by an arbiter to be named (failing agreement by the parties to name an arbiter) by the sheriff on the application of either of the parties.

B.—New sewers.

Incorpora-
tion of
Acts.

129. Subject to the provisions of this Order the following parts of Acts so far as the same respectively are applicable for the purposes of and are not inconsistent with or varied by this Order are for the purposes of this Head of this Part of this Order hereby incorporated with and form part of this Order :—

8 & 9 Vict.
c. 19.

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845);

The Railways Clauses Consolidation (Scotland) Act A.D. 1936.
1845 with respect to the temporary occupation
of land near the railway during the construction
thereof and in that Act where applied to this
Order the expressions "the promoters of the
undertaking" and "the company" respectively
mean "the Corporation" and the expressions
"the railway" and "the undertaking" mean
the works by this Order authorised;

and this Order shall be deemed to be a special Act
within the meaning of those Acts.

130. Subject to the provisions of this Order the Corporation may construct and maintain in the lines and according to the levels shown on the deposited plans and sections the sewers and works hereinafter in this section described together with all necessary and proper appliances works and conveniences incidental or subsidiary thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for that purpose The sewers and works hereinbefore referred to are situate wholly in the city and are the following:—

Power to construct additional sewers and take lands.

Work No. 1 A sewer commencing at a point in Clifton Road 80 yards or thereabouts measured in a southerly direction along that road from the junction of that road with Lilybank Place and terminating by a junction with an existing sewer of the Corporation at a point in Skene Street at its junction with Mackie Place;

Work No. 2 A sewer commencing at a point in Osborne Place at the junction of Osborne Place with Prince Arthur Street and terminating at a point in Garthdee Road 200 yards or thereabouts measured in a south-westerly direction along that road from the entrance road to Garthdee Works;

Work No. 3 A sewer commencing at the point of termination of Work No. 2 above described and terminating at a point in the road known as the South Deeside Road 637 yards or thereabouts measured in a south-westerly direction

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along Leggart Terrace and along the said South Deeside Road from the continuation in a south-easterly direction of the line of the south-west parapet of the Bridge of Dee;

Work No. 4 A sewer commencing at the point of termination of Work No. 3 above described and terminating by a junction with an existing sewer of the Corporation at a point 247 yards or thereabouts measured in an easterly direction from the south-east corner of St. Fittick's Church;

Work No. 5 A sewer commencing at a point in Queen's Road at the junction of that road with Forest Avenue and terminating by a junction with Work No. 2 above described at a point in Broomhill Road at the junction of that road with Gray Street;

Work No. 6 A sewer commencing at a point in Anderson Drive 162 yards or thereabouts measured in a southerly direction along that drive from the junction thereof with Carnegie Crescent and terminating by a junction with Work No. 2 above described at a point in Broomhill Road at the junction of that road with Anderson Drive South;

Work No. 7 A sewer commencing at a point 147 yards or thereabouts measured in a westerly direction from the point where Fernielea Road crosses the Den Burn and 147 yards or thereabouts measured in a south-westerly direction from the junction of that road with the road leading to Oldmill Farm and terminating by a junction with Work No. 2 above described at a point in Broomhill Road at the junction of that road with Cranford Road;

Work No. 8 A sewer commencing at a point in Cornhill Road at the junction of that road with Ashgrove Road West and terminating by a junction with Work No. 1 above described at a point in Cornhill Road 40 yards or thereabouts measured in a northerly direction along that road from the main entrance to the Royal Mental Hospital;

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Work No. 9 A sewer commencing at a point in Midstocket Road at the junction of that road with Bonnymuir Place and terminating by a junction with Work No. 1 above described at a point in Westburn Road at the junction of that road with Cornhill Road; A.D. 1936.
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Work No. 10 A sewer commencing at a point in Queen's Road opposite the west side of Viewfield Road and terminating by a junction with Work No. 6 above described at a point in Queen's Road at the junction of that road with Anderson Drive;

Work No. 11 A storm water overflow commencing by a junction with Work No. 3 above described at a point on the north bank of the river Dee 237 yards or thereabouts measured from Garthdee Road along the line of the said Work No. 3 and terminating at a point in the river Dee 40 yards or thereabouts measured in an easterly direction from the point of commencement and 53 yards or thereabouts measured in a south-westerly direction from the south-west corner of Garthdee Works;

Work No. 12 A storm water culvert commencing at a point in Hilton Drive 80 yards or thereabouts measured in a northerly direction along that drive from the junction of that drive with Back Hilton Road and terminating at a point in Powis Terrace 100 yards or thereabouts measured in a south-easterly direction along that terrace from the junction thereof with Clifton Road;

Work No. 13 A storm water culvert commencing at a point on the London and North Eastern Railway 167 yards or thereabouts measured in a north-westerly direction along that railway from the centre of the north parapet of the Union Bridge and 14 yards or thereabouts west of the west side of Denburn Road and terminating at a point on the said railway 103 yards or thereabouts measured in a south-easterly direction along the said railway from the centre

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of the south parapet of the Union Bridge and 70 yards or thereabouts east of the east side of Bridge Street;

Work No. 14 A storm water overflow commencing by a junction with Work No. 1 above described in Esslemont Avenue and terminating in the Den Burn at a point 45 yards or thereabouts measured in a north-westerly direction along that avenue from the north side of Skene Street.

Limits of deviation.

131. In the construction of the works by this Part of this Order authorised the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and three feet downwards Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade.

Underpinning of walls of houses.

132. Whereas in order to avoid in the execution and maintenance of any works by this Part of this Order authorised injury to the houses and buildings within one hundred feet of any of the said works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter in this section provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :

- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days of the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers: A.D. 1936.
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this Part of this Order:
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners

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within twelve months and by such lessees or occupiers within six months from the discovery thereof :

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Period for compulsory purchase.

133. The powers of the Corporation for the compulsory purchase of lands under this Part of this Order shall cease on the first day of January one thousand nine hundred and forty.

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

134. Whereas in the construction of the works by this Part of this Order authorised 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 following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Order and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term “the owner” and the said properties are hereinafter referred to as “the scheduled properties” :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation

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that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

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- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat 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 over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so 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 by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and

A.D. 1936.

order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled 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 the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

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

Servitudes
&c. by
agreement.

135. 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

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxvii.]
1 EDW. 8.] (*Streets Buildings Sewers &c.*)
Order Confirmation Act, 1936.

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 Part of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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. A.D. 1936.

136.—(1) Where any lands which the Corporation are by this Part of this Order authorised to enter upon take and use for the purposes of the sewers by this Order authorised are situate in or under any street shown on the deposited plans and described in the deposited book of reference the Corporation shall for the purpose of constructing and maintaining the said sewers notwithstanding anything in this Order contained not be obliged to take such lands or any part thereof but may without notice enter upon such lands and construct and maintain the said sewers in through or under the said lands subject only to the provisions of the section of this Order of which the marginal note is "Compensation for damage" Provided that subject always to the express provisions of this Order the Corporation shall not except for the purpose of manholes or other openings permanently take or use the surface of any such street. Power to enter on lands and construct sewers.

(2) With respect to any lands (other than the lands referred to in subsection (1) of this section) shown on the deposited plans and described in the deposited book of reference which the Corporation are by this Part of this Order authorised to enter upon take and use for the purposes of the sewers by this Part of this Order authorised the Corporation shall for the purpose of constructing and maintaining the said sewers notwithstanding anything in this Order contained not be obliged to take the said lands or any part thereof but may after reasonable notice in writing to the owners lessees and occupiers thereof enter upon such lands and construct and maintain the said sewers in through or under the said lands subject only to the provisions

A.D. 1936. of the section of this Order of which the marginal note
— is “ Compensation for damage.”

Power to
purchase
cellars &c.

137.—(1) Notwithstanding anything in this Order contained the owners of and other persons interested in any cellar vault or other construction in or under any lands which the Corporation are by this Part of this Order authorised to enter upon take and use for the purposes of this Part of this Order shall if need be sell the same for the purposes of this Part of this Order the Corporation paying such sum for such cellar vault or other construction including compensation for any damage sustained by such owners or persons by severance or otherwise as failing agreement shall be settled by the tribunal and no such cellar vault or other construction to be taken and used as aforesaid shall be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

(2) Notwithstanding anything in the section of this Order of which the marginal note is “ Power to enter on lands and construct sewers ” no cellar vault or other construction shall be acquired by the Corporation except under the powers contained in this section.

Compensa-
tion for
damage.

138. The Corporation shall make reasonable compensation to the owners lessees and occupiers of any lands buildings or minerals for any loss or damage caused by the Corporation to such owners lessees or occupiers in relation to such lands buildings or minerals in exercising the powers of this Part of this Order and such compensation shall failing agreement be assessed in manner provided by the Lands Clauses Acts for determining the amount of compensation to be paid for land taken otherwise than by agreement under the provisions thereof Provided that compensation for such loss or damage shall be recoverable from time to time as such loss or damage may accrue or be discovered but no claim for such compensation shall be made or allowed unless the occurrence of the loss or damage in respect of which it is intended to claim if known to the claimant shall be notified in writing to the Corporation without unreasonable delay by the person intending to claim nor shall any such claim be recoverable unless it shall be presented to

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxvii.]
1 EDW. 8.] (*Streets Buildings Sewers &c.*)
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the Corporation by such person within six months from the discovery of the loss or damage complained of. A.D. 1936.

139. In settling any question of disputed purchase money or compensation payable under this Part of this Order by the Corporation the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of October one thousand nine hundred and thirty-five if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Order. Compensation in case of recently altered buildings.

140. The Corporation may for the purposes of this Part of this Order by agreement acquire by purchase feu or lease any quantity of land not exceeding in the whole ten acres but nothing in this Order shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired or feued under the provisions of this section. Additional land.

141. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any 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 affected by such proposed correction may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or wrong description arose from accident or mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff-clerk and a duplicate thereof with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may Correction of errors in deposited plans and book of reference.

[Ch. lxxvii.] *Aberdeen Corporation* [26 GEO. 5. &
(*Streets Buildings Sewers &c.*) 1 EDW. 8.]
Order Confirmation Act, 1936.

A.D. 1936. — take the lands and execute the works in accordance with such certificate.

Period for completion of works.

142. If the works authorised by this Part of this Order are not completed within ten years from the first day of January one thousand nine hundred and thirty-seven then on the expiration of such period the powers by this Order granted to the Corporation for executing the said works or in relation thereto shall cease except as to so much thereof as is then completed.

Works to form part of sewage undertaking.

143. Subject to the provisions of this Order the works by this Part of this Order authorised shall form one undertaking with the sewers and other works for the drainage of the city by this Order vested in the Corporation and the powers and provisions of this Order and of the City Acts with respect to the maintenance of such sewers and works and the assessments borrowing powers sinking fund and application of money borrowed for sewage purposes shall extend and apply to the works by this Part of this Order authorised.

As to sewage of part of county of Aberdeen.

144. Notwithstanding anything in this Order contained—

- (1) The county council of the county of Aberdeen (which county council is hereinafter in this section referred to as “the county council” and which county of Aberdeen is hereinafter in this section referred to as “the county”) shall have the right subject as in this section after-mentioned to discharge into the additional sewers referred to in subsection (2) of this section sewage (including storm or subsoil water not exceeding six times the dry weather flow) to the extent of a maximum flow at a rate of 10·8 cubic feet per second from the area of the county described in the Fourth Schedule to this Order and coloured red on the map in duplicate signed by the town clerk on behalf of the Corporation and the clerk to the county council on behalf of the county council (which area is hereinafter in this section referred to as “the county area”) one of which maps has been deposited with the Corporation and the other with the county council:

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1 EDW. 8.] (*Streets Buildings Sewers &c.*)
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- (2) Before the Corporation commence to construct the works authorised by the section of this Order of which the marginal note is "Power to construct additional sewers and take lands" (or such part or parts thereof as will enable sewage from the county area to be discharged therein) they shall give to the county council not less than three months' notice in writing of their intention to do so : A.D. 1936.
- (3) If the county council decide to exercise their right under this section they shall within the said period of three months intimate their decision to the Corporation and the Corporation shall in constructing the said works (or such part or parts thereof as aforesaid) make effective provision for the reception of the sewage from the county area into their sewers and for the disposal thereof and as soon as such provision is made the sewers of the county council conveying sewage from the county area shall be connected by the Corporation with the said works of the Corporation at a point or points to be determined by the Corporation :
- (4) Within one month from the receipt by the Corporation of the intimation of the decision of the county council provided for in the last preceding subsection the Corporation shall give to the county council full information as to the point or points of connection determined upon by the Corporation :
- (5) The reasonable expenses of constructing and maintaining all works necessary for connecting the sewers of the county council with the said works of the Corporation shall be borne by the county council and all such works so far as situate within the city shall be constructed under the provisions of the section of this Order of which the marginal note is "Power to Corporation to construct sewers making compensation to owners of property" and maintained by the Corporation and the reasonable expenses of such construction and

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(*Streets Buildings Sewers &c.*) 1 EDW. 8.]
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maintenance shall be repaid to the Corporation by the county council :

Provided that in the event of any such works situate within the city being used for purposes other than for the reception of sewage from the county area the Corporation shall make payment to the county council for and in respect of any such use of such sum as may be agreed between the parties or determined by arbitration as hereinafter provided :

- (6) After the sewers of the county council are connected with the said works of the Corporation the county council shall so far as reasonably practicable receive into their sewers the sewage from the county area and (subject to the provisions of this section) shall deliver the said sewage from their sewers to the Corporation who shall receive the same into their said works and shall dispose of the same And further the county council shall take all such steps as are reasonably practicable to prevent or to cause others to abstain from the passing of any liquid matter substance or thing deleterious to fish life into the river Dee or any tributary thereof :
- (7) Within one month from the date upon which the sewers of the county council are connected with the said works of the Corporation as aforesaid the county council shall pay to the Corporation the sum of twenty-one thousand pounds in respect of the provision made by the Corporation by means of the additional sewers referred to in subsection (2) of this section for the reception and disposal of sewage from the county area which sum shall be applied by the Corporation to the purposes of the said additional sewers to which capital is properly applicable :
- (8) If any difference shall arise between the Corporation and the county council under the preceding subsections of this section such difference shall be referred to the decision of an arbiter to be mutually chosen or failing agreement to be appointed by the sheriff on the

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application of either party If any question of law shall arise in the course of said arbitration the arbiter shall have power at the request of either of the parties to state a case for the opinion of the Court of Session and the court shall finally determine such question : A.D. 1936.
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(9) (i) Notwithstanding anything in this section contained the county council shall not be entitled to cause or permit to pass into the sewers of the Corporation any liquid matter substance or thing which in the opinion of the city engineer subject as after-mentioned would be injurious to the construction use repair inspection or efficiency of the said sewers of the Corporation or which would cause or be likely to cause silting up corrosion or decay of the materials thereof or accidents thereto or which would interfere unduly with the purification or disposal of sewage by the Corporation ;

(ii) If at any time the city engineer is of opinion that any such liquid matter substance or thing is being passed by the county council into the said works he shall inform the county council and the District Board of the River Dee of his opinion and if the city engineer and the county council are in disagreement as to whether any such liquid matter substance or thing is being passed into the said works the matter shall be referred to the decision of a person appointed by the President of the Institution of Civil Engineers for the purpose and the decision of such person shall be issued within three months of such reference It shall be competent to the city engineer at any time to bring to the notice of such person the fact that he has reason to suspect that such liquid matter substance or thing is being passed by the county council into the said works and to consult such person as to the data which should be collected to evidence (a) the effect of such liquid matter substance or thing on the said works and (b) the point at which such liquid matter substance or thing is entering said works If the

A.D. 1936.
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city engineer proposes to consult such person as aforesaid he shall give prior notice of his intention so to do to the county council and the District Board of the River Dee. If such person finds after such reference that such liquid matter substance or thing is being passed by the county council into the said works or if such decision as aforesaid shall not be issued by such person within the said period of three months the county council shall within six months from the date of such decision or the failure to issue a decision as aforesaid take all necessary steps to prevent the passage of such liquid matter substance or thing into the said works and further the county council shall in that case also take such steps as are reasonably practicable to prevent or to cause others to abstain from the passing of any liquid matter substance or thing deleterious to fish life into the river Dee or any tributary thereof.

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

145. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (hereinafter in this section called for their joint or respective interests "the company") shall notwithstanding the provisions of this Order and unless otherwise agreed between the company and the Corporation apply and have effect with respect to the exercise by the Corporation of the powers conferred on them by this Part of this Order or under or in pursuance of any existing Act of Parliament relating to the sewage undertaking of the Corporation (that is to say) :—

- (1) The Corporation shall not take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitudes in under over or upon the lands property and works of the company as may be required for making (in the lines and according to the levels shown on the deposited plans) maintaining repairing enlarging arching over improving and duplicating any sewer (hereinafter in this section referred to as "the

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works") in accordance with the provisions A.D. 1936.
of this Order : —

- (2) Before constructing any works or any subsequent repairs alterations renewals or duplications thereof in over under or affecting any of the railways works or property of the company (hereinafter in this section referred to as "the railways") the Corporation shall submit to the company plans sections working drawings and specifications thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-eight days after submission of the said plans sections working drawings and specifications for approval :
- (3) All the works shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and at the sight and to the reasonable satisfaction of the company :
- (4) The Corporation shall not without the previous consent in writing of the company enter upon alter or interfere with the railways further than may be necessary for constructing and maintaining any works in upon over or under the railways of which they shall give the company twenty-eight days' notice in writing except in cases of emergency in which cases notice shall be given as early as possible :
- (5) The Corporation shall pay to the company all reasonable costs charges and expenses which the company may incur in connection with the construction maintenance renewal duplication use alteration replacing or repair of any such works including (without prejudice to the said generality) any reasonable expense incurred by the company in connection with the employment of inspectors signalmen watchmen

A.D. 1936.
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and others and for superintendence of such works and all extra precautions for the safety and working of the company's traffic or protection of their property on account of the construction maintenance renewal duplication use alteration replacing or repair of the said works :

- (6) All such works including the maintenance renewal duplication alteration replacing or repair thereof shall in so far as the same affect the railways be carried out by the Corporation so as not to alter or interfere with (except so far as may be necessary for carrying out the works) or injure or endanger the structure or stability of the railways and the Corporation shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the railways or any part thereof and should any damage or injury to or interference with the passage of traffic on the railways be caused by or be due to the exercise of the powers of the Corporation or the failure of or defect in any of the works the Corporation shall free of all expense to the company execute all such works as may be necessary to repair and make good the damage or prevent such interference as the case may be or the company in their option may on giving the Corporation as long notice as possible in the circumstances enter upon the works or property of the Corporation and execute all such works as may be necessary to repair and make good such damage or prevent such interference and the Corporation shall repay to the company all reasonable costs and expenses incurred by them in connection therewith :
- (7) The Corporation shall make full compensation to the company for all loss or damage caused by their work and operations or interference with the railways and the Corporation shall also free and relieve the company from all damages or compensation which may be recovered from the company by reason of such interference or

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of any accident so far as such may have been occasioned by the act or default of the Corporation or those for whom they are responsible : A.D. 1936.
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- (8) Should it be necessary in constructing maintaining duplicating altering or repairing such works to alter or remove any permanent way station platforms buildings telegraph posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the company any works reasonably necessary for such alteration or removal may be executed by the company and the Corporation shall pay to the company all reasonable expense incurred in connection therewith :
- (9) Nothing contained in this Part of this Order shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing strengthening widening deviating or enlarging any of the railways Provided that such operations shall not injuriously affect the works or interrupt the flow of sewage therein otherwise than may be reasonably necessary in connection therewith and if any injury or other interruption shall arise to the works the company shall forthwith make good or remove such injury or interruption and in the event of the company failing to do so within a reasonable time the Corporation may enter upon the works or property of the Company and execute all such works as may be necessary to repair and make good such damage or prevent such interruptions and the company shall repay to the Corporation all reasonable costs and expenses incurred by them in connection therewith Before commencing any operations under the provisions of this subsection the company shall give twenty-eight days' previous notice in writing to the Corporation and any such operations shall so far as they may interfere with the works be carried out to the reasonable satisfaction of the city engineer Any extra expense

A.D. 1936.
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which the company may incur in carrying out such operations by reason of the existence of the works shall be paid by the Corporation as such extra expense may in the event of any difference of opinion be determined by an arbiter to be appointed as after-mentioned :

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

(11) For the purposes of this section the word "sheriff" shall mean the sheriff of the counties of Aberdeen Banff and Kincardine and shall not include his substitutes.

Protection
for railway
companies.

146.—(1) The provisions of this Part of this Order shall not except as may be otherwise agreed in writing between the Corporation and any railway company extend or apply to or in respect of any land building drain culvert or covering belonging to or constructed by a railway company under any statutory power.

(2) Before a railway company construct alter or extend any common drain or private drain by means of which any sewer of the Corporation may be affected they shall give notice to the Corporation accompanied by plans sections and specifications for the reasonable approval of the Corporation and in the event of any dispute arising between the Corporation and the company with respect thereto the matter in dispute shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers.

PART V.

MISCELLANEOUS.

Statues and
monuments.

147. The Corporation may from time to time erect and maintain or authorise the erection and maintenance of any statue or monument in any street park or public place and may remove to another site any statue or monument which has been taken over or is maintained by the Corporation.

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1 EDW. 8.] (Streets Buildings Sewers &c.)
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148.—(1) Where any tree hedge or shrub overhangs any street so as to obstruct or interfere with the light from any public lamp or to come into contact with any existing or proposed overhead public lighting electric cable or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves at the expense of such owner or occupier as the case may be carry out the requisition of their notice doing no unnecessary damage.

A.D. 1936.

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Lopping of
trees over-
hanging
streets.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to the sheriff within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit and to award expenses such expenses to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

149.—(1) The city engineer and any officer appointed by the Corporation for the purpose may at all reasonable hours in the daytime enter into and upon and inspect—

Power to
officers of
Corporation
to enter
premises
for purposes
of Order.

- (a) any public building;
- (b) any building or premises in or upon which any operations or works are being carried out in pursuance of any authority or approval given by the Corporation or by the city engineer under the provisions of this Order or in pursuance of any requirement or order given by the Corporation or by the city engineer thereunder;
- (c) any building or premises which are undergoing structural alteration or are being taken down or removed;
- (d) any building or anything affixed thereon which appears to be or to be likely to become dangerous; or

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(e) any building or premises in respect of which the city engineer has reason to believe that any of the provisions of this Order or any requirement or condition imposed thereunder or of the byelaws made thereunder is not being observed or are being contravened.

(2) The city engineer and any officer appointed by the Corporation may also enter into or upon any building lands or premises for the purposes of executing any work authorised to be executed by the Corporation under the provisions of this Order.

(3) Except as in this Order otherwise provided the city engineer or any such officer shall not enter into or upon any building lands or premises under the powers of this section unless with the consent of the occupier thereof until after the expiration of twenty-four hours' notice for that purpose given to such occupier.

Penalty for refusing entry or inspection to be made.

150. Every person who shall refuse to permit any person acting under the authority of this Order to enter into or upon any building lands or premises or to make any inspection authorised by this Order shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

As to service of notice on owners and occupiers.

151. Where under the provisions of this Order any notice is required to be given to the owner or occupier of any lands such notice addressed to the owner or occupier thereof as the case may require may be served on the occupier of such lands or left with some inmate at his abode or if there be no occupier may be put up on some conspicuous part of such lands and it shall not be necessary in any such notice to name the owner or the occupier of such lands. Provided that when the owner of any such lands and his residence are known to the Corporation they shall cause every notice required to be given to such owner if he be resident in the city to be served on him personally or left with some inmate at his abode and if such owner be not resident within the city they shall send every such notice by post addressed to the residence of such owner.

Corporation in default of owner or occupier

152. Where under the provisions of this Order any work is required to be executed by the owner or occupier of any lands and default is made in the execution of

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 I EDW. 8.] (Streets Buildings Sewers &c.)
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such work the Corporation may cause such work to be executed and the expense incurred by the Corporation in respect thereof shall be repaid to them by the person by whom such work ought to have been executed and shall subject to the provisions of this Order be recoverable from such person as damages. A.D. 1936.
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may execute works and recover expenses.

153. Where default is made by the owner of any lands in the execution of any work by this Order required to be executed by him the occupier of such lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to such occupier by the owner of such lands and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner. Occupier in default of owner may execute works and deduct expense from his rent.

154. If the owner or occupier of any lands made liable by this Order for the repayment to the Corporation of any expenses incurred by them do not as soon as the same become due and payable from him repay all such expenses to the Corporation the Corporation may subject to the provisions of this Order recover the same from such owner or occupier as damages. How expenses are to be recovered from owner or occupier.

155. The Corporation may by way of additional remedy require the payment of all or any part of any expenses chargeable by this Order on the owner of any lands from the person who then or at any time thereafter occupies such lands under such owner and in default of payment thereof by such occupier on demand the same may be levied by seizure and sale of the goods and effects of such occupier in the same manner as any assessment or rate may be recovered from him under the City Acts and every such occupier shall be entitled to deduct from the rent payable by him to such owner any moneys paid by or recovered from him in respect of such expenses. Power to levy charges on occupier who may deduct same from rent.

156. No occupier of any lands shall be liable to pay any greater sum in respect of any expenses charged under this Order on the owner thereof than the amount of rent due from him for the lands in respect of which such expenses are payable at the time of the demand made upon him or which at any time after such demand Occupier not to be liable for more than amount of rent due.

A.D. 1936. — and notice not to pay the same to such owner shall have accrued and become payable by him unless he neglects or refuses upon application made to him for that purpose by the Corporation truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued shall lie upon such occupier Provided that nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

Corporation
may allow
time for
repayment
by owner
or occupier
of improve-
ment
expenses
&c.

157. The Corporation may if they think fit at the request of any owner or occupier of any lands allow time for the repayment of any damages or expenses payable by such owner or occupier to the Corporation under the provisions of this Order and receive the same by such instalments as they in the circumstances of the case consider reasonable but so that the same be repaid by annual instalments of not less than one seventh part of the whole sum originally due with interest for the principal money from time to time remaining unpaid at the rate of five pounds per centum per annum until paid but all such sums remaining due notwithstanding the Corporation have agreed to allow time for the repayment thereof as aforesaid shall from time to time at the expiration of the several times so allowed for repayment thereof be recoverable in like manner as such respective amounts would have been recoverable if no such time had been allowed for repayment thereof.

Proceedings
in case of
tenants
opposing
execution
of Order.

158. If the occupier of any lands prevent the owner thereof from carrying into effect in respect of such lands any of the provisions of this Order after notice of his intention so to do has been given by the owner to such occupier the sheriff may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such lands as may be necessary for carrying into effect the provisions of this Order and every such occupier who after the expiration of ten days from the date of such order continues to prevent such owner from executing such works shall for

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every day during which he so prevents be liable to a penalty not exceeding five pounds and every such owner during the continuance of such prevention shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. A.D. 1936.

159. All damages debts forfeitures and expenses directed to be paid or imposed by this Order of which the recovery is not otherwise in this Order specially provided for may be sued for and recovered along with the expenses of the action in the same manner as any debt may be sued for and recovered by the law and practice of Scotland. Recovery of damages under Order.

160. Where in pursuance of any of the after-mentioned sections of this Order (namely):— Recovery of expenses from owners.

Section 24 (Expenses of paving and repairing streets &c.);

Section 35 (Formation of new streets);

Section 41 (Recovery of expenses of repairing private lanes);

Section 43 (Owners of property in courts to maintain pavement);

Section 57 (No new building to be built without drains being constructed);

Section 79 (Penalty for neglecting to provide waterclosets privies &c.);

Section 111 (Corporation may construct drains from buildings and fill up cesspools &c. charging owners with expense); and

Section 113 (Common and private drains privies cesspools watercourses &c. to be kept in good order by owners);

any expense of and in connection with the execution by the Corporation or by their direction of any works is recoverable from any person and such expense is not forthwith paid the Corporation may in their option and without prejudice to their right to recover such expense by any other method competent to them recover the said expense from such person in the manner provided

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A.D. 1936. — by the City Acts for the recovery of drainage rates authorised by the City Acts to be levied by way of private assessment.

Byelaws to be signed. 161. Except where otherwise in this Order provided all byelaws made by the Corporation under and for the purposes of this Order shall have affixed thereto the signature of the lord provost or acting chief magistrate of the city and of the town clerk.

Publication of byelaws. 162. Subject to the provisions of this Order all byelaws made by the Corporation under and for the purposes of this Order when confirmed shall be printed and a copy thereof shall be kept at the office of the town clerk and be open to the inspection of any person during ordinary office hours without fee or reward and the town clerk shall deliver a printed copy thereof to every person applying for the same without charge or at a charge not exceeding sixpence and wherever in the opinion of the Corporation it is practicable so to do a copy thereof shall be exhibited in some conspicuous part of the works or locality to which the same relate.

Byelaws to be binding on all parties. 163. All byelaws made by the Corporation under and for the purposes of this Order when so confirmed and published shall be binding upon and be observed by all persons and shall be sufficient to justify all persons acting under the same.

Evidence of byelaws. 164. The production of a written or printed copy of the byelaws made by the Corporation under and for the purposes of this Order purporting to be signed and certified by the town clerk to be a true copy shall be evidence of the existence and of the due making and confirming of such byelaws respectively in all prosecutions under the same unless and until the contrary is proved and with respect to the proof of the publication thereof it shall be sufficient to prove that the provisions of the section of this Order of which the marginal note is "Publication of byelaws" have been complied with.

Penalty on pulling down boards exhibiting byelaws. 165. Every person who destroys pulls down or injures any board on which any byelaw made by the Corporation is exhibited or who defaces any such byelaw shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

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166. Every person who shall at any time resist obstruct or molest any officer workman watchman or other person employed in the execution of any duty or the performance of any work imposed on him by virtue of this Order or of any byelaw regulation or order of the Corporation shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

A.D. 1936.

Penalty on persons obstructing officers in their duty.

167. Every person guilty of an offence under the provisions of this Order and every person contravening any of the provisions of this Order shall where no penalty is prescribed be liable to a penalty not exceeding forty shillings and if the nature of the case permits to a daily penalty not exceeding twenty shillings.

Penalty where no penalty is otherwise stated.

168.—(1) Subject to the provisions of this Order any person aggrieved by or in consequence of the exercise by the Corporation or by any official of the Corporation of any power committed to them or him under this Order may appeal against any order resolution deliverance notice requirement or act of the Corporation or any of its officials to the sheriff or to either division of the Court of Session by lodging a note of appeal within fourteen days after intimation thereof to him or within fourteen days after the commission or commencement of the act complained of with the sheriff clerk of Aberdeenshire at Aberdeen if the appeal is made to the sheriff or with the principal clerk of session at Edinburgh if the appeal is made to the Court of Session which note of appeal shall state the grounds of such appeal and be signed by the appellant or his counsel or agent and shall be intimated by the appellant within fourteen days to the town clerk and the sheriff or Court of Session upon due proof of such notice shall hear parties and determine the matter of the appeal and shall make such order thereon confirming quashing or varying the same and shall award such expenses to either of the parties as the sheriff or the said court shall think fit.

Appeals.

(2) The judgment in any appeal under the provisions of this section whether made to the sheriff or to the Court of Session shall be final Provided that any party dissatisfied with the judgment of the sheriff as erroneous in point of law may appeal thereagainst to

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Application of fines and penalties.

169.—(1) All fines penalties forfeitures damages and expenses directed to be paid or imposed by this Order or by the Acts incorporated therewith (excepting any penalties which may be thereby imposed upon the Corporation and any damages sums of money or expenses specially provided by this Order to be payable to or recoverable by any person to whom the same may be awarded) shall notwithstanding anything to the contrary in this Order or in such Acts contained be paid to the city chamberlain for the general purposes of the City Acts and where such fines penalties forfeitures damages and expenses (excepting as aforesaid) are recovered before the magistrate the same shall in the first instance be paid to the clerk of the police court who shall enter the same in a book to be kept for the purpose (which shall be at all times open to the inspection of the city chamberlain) and such clerk shall once every month at least pay over such fines penalties forfeitures damages and expenses as shall have been received by him to the city chamberlain for the general purposes of the City Acts.

(2) Nothing in this section shall apply to fines penalties forfeitures damages or expenses recovered in the sheriff court.

Prosecution of offences &c.

170. Except where otherwise provided in this Order the provisions and enactments contained in the City Acts relating to the prosecution of offences and the recovery of penalties under the City Acts shall so far as applicable extend and apply in references to offences and penalties under this Order.

Expenses of administering Order.

171. All expenses incurred by the Corporation in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder and not otherwise recovered as in this Order provided shall be paid or satisfied out of the burgh fund of the Corporation established under and in pursuance of the City Acts and shall be deemed to be expenditure payable out of the consolidated rate of the city under the appropriate head.

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172. The assessments appropriate to any of the purposes of this Order authorised by the City Acts shall extend and apply to the moneys which the Corporation are by this Order authorised to borrow and to any expenditure incurred by the Corporation for the purposes of this Order or any of them. A.D. 1936.
 —
 Application of assessments.

173. Nothing in this Order contained shall affect any feu charter contract conveyance lease or agreement for a lease whereby any person may be bound to erect buildings upon any building land but the buildings mentioned in such feu charter contract conveyance lease or agreement shall be erected according to the conditions which may be rendered necessary by the provisions of this Order in the same manner as if this Order had been in operation at the time of making such feu charter contract conveyance lease or agreement and the same had been made subject thereto and that without either party being entitled to any compensation. Respecting contracts for leases.

174. Nothing in this Order contained shall prejudice take away diminish alter or abridge any statutory or other rights powers privileges jurisdictions or authorities acquired by vested in or enjoyed by the Aberdeen Harbour Commissioners to in or over the port and harbour of Aberdeen (as defined by the Aberdeen Harbour Act 1895) and such rights powers privileges jurisdictions and authorities shall continue to be held exercised and enjoyed by the said commissioners as if the Act confirming this Order had not been passed subject to any statutory or other rights powers privileges jurisdictions and authorities acquired by vested in or enjoyed by the Corporation prior to the commencement of this Order. Saving rights of Aberdeen Harbour Commissioners over harbour.
 58 & 59 Vict. c. cxxxvi.

175. Nothing in this Order contained shall take away diminish alter or abridge any right power or privilege which is at present competent to the Corporation in regard to regulating and lining off the building areas along Union Street and King Street which were opened and made under the authority of an Act passed in the fortieth year of the reign of His Majesty King George the Third intituled "An Act for opening and making two new streets in the City of Aberdeen" or to their granting permission to the feuars or proprietors of such building areas to make and use cellars under Saving rights of Corporation.
 39 & 40 Geo. III. c. xi.

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A.D. 1936. — the foot pavements of the said streets or to their receiving and recovering from such feuars or proprietors such sum or sums of money as have already been or may hereafter be stipulated by the articles and conditions of sale of such areas to be paid to the Corporation or the city chamberlain by such feuars or proprietors for or in respect of the expense which has already been incurred or may hereafter be incurred in paving the said streets and in making and constructing the sewers below the same and nothing in this Order contained shall take away diminish or abridge any other rights powers properties privileges or servitudes of the Corporation unless in so far as the same are by this Order specially diminished or abridged.

Saving rights
under Rivers
Pollution Pre-
vention Act 1876
and Public
Health(Scotland)
Act 1897.
39 & 40 Vict.c.75.
60 & 61 Vict.
c. 88.

176. Nothing in this Order contained shall take away interfere with or abridge any powers rights or obligations exerciseable by or imposed upon the Corporation under the provisions contained in the Rivers Pollution Prevention Act 1876 or the Public Health (Scotland) Act 1897.

Saving for
Town
Planning
Scheme.

177. Nothing in this Order shall be in derogation of the provisions of the Aberdeen and District Joint Town Planning Scheme Order 1933.

Crown
rights.

178. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Saving
for Crown
property
and ancient
monuments.

179. Nothing in this Order shall extend to any building structure or work vested in or in the occupation of His Majesty or vested in or in the occupation of any department of Government for public purposes or for the public service and nothing in this Order shall authorise

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the Corporation to demolish remove or to make any opening or structural alteration or addition in or to any ancient monument included in a list prepared and published by the Commissioners of Works under the Ancient Monuments Acts 1913 to 1931 without the previous consent in writing of the Commissioners. A.D. 1936.
—

180.—(1) Subject to the provisions of this Order any work by this Order authorised shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries under-secretaries or assistant-secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun. Works below high-water mark to be subject to approval of Board of Trade.

(2) Any alteration or extension of any such work or of any other work by this Order vested in the Corporation so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this Order the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

181. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by or vested in the Corporation which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly. Survey of works by Board of Trade.

182.—(1) Where any work constructed by or vested in the Corporation under the powers of this Order and situate wholly or partially on under or over the shore or Abatement of work abandoned or decayed.

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A.D. 1936. — 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 is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

Repeal of
Acts.

183. Subject to the provisions of this Order the Acts and Orders specified in the Fifth Schedule to this Order are (so far as not already repealed) hereby repealed to the extent mentioned in the third column of that schedule and on and after the commencement of this Order all references to the repealed Acts or any of them in the City Acts and in any other Acts and Orders shall be read and have effect as if this Order or any Act or Order amending the same were mentioned therein instead of the repealed Acts or any of them.

General
saving
from effect
of repeal.

184. Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

(a) all existing agreements made by the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes

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and for and against all parties as if the Act confirming this Order had not been passed; A.D. 1936.
—

- (b) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if the Act confirming this Order had not been passed;
- (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 execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by with or against the Corporation as if the Act confirming this Order had not been passed;
- (d) all existing byelaws rules regulations orders licences consents and approvals in execution of or in relation to or granted in pursuance of 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 rents charges and other sums at the commencement of this Order due to the Corporation under 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 plans and documents 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.

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—
Costs of
Order.

185. The costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the moneys to be borrowed for that purpose under this Order or out of the burgh fund of the Corporation established under and in pursuance of the City Acts in such manner as the Corporation may determine.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

FORM OF RECEIPT FOR COMPENSATION FOR STREET IMPROVEMENTS.

I (name and designation of grantor) heritable proprietor of the area of ground after-mentioned do hereby acknowledge to have received from the lord provost magistrates and town council of the city and royal burgh of Aberdeen acting in pursuance of the "Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936" (hereinafter referred to as "the Corporation") the sum of (state amount) being the amount of the price or compensation payable to me by the Corporation for and in respect of the area of ground hereinafter described which has been purchased from me by the Corporation for the purposes of Part II of the said Order which area of ground is All and Whole (insert short description) In witness whereof (Testing Clause).

THE SECOND SCHEDULE.

A.D. 1936.

MINUTE OF AGREEMENT between the LORD PROVOST MAGISTRATES AND COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN acting in the execution of the Aberdeen Police and Waterworks Act 1862 and Acts amending the same (hereinafter referred to as "the Town Council") on the one part and the DISTRICT BOARD FOR THE RIVER DEE appointed and acting under the Salmon Fisheries (Scotland) Act 1862 and Acts amending the same (hereinafter referred to as "the District Board") on the other part.

Stamp.

WHEREAS the Town Council are at present carrying out certain works in connection with the sewerage of the City and objections were made by the District Board with respect to the mode of carrying out the said works the parties hereto have agreed and hereby agree as follows that is to say :—

First For the purpose of intercepting and discharging the sewage from the two districts coloured red on the plan signed as relative to this agreement the Town Council undertake to construct and maintain a new sewer with outfall into the sea at such point as may be found most suitable.

Second The Town Council undertake that on the completion of the said outfall all discharge of sewage into the river Dee from the said two districts shall be discontinued subject to the provisions hereinafter contained with respect to the construction of storm overflows.

Third The low-level sewer which drains the district coloured blue on the said plan shall continue to discharge into the river Dee at such point below Victoria Bridge as the Town Council may be advised to adopt by the engineer whom they are to consult upon the contemplated schemes connected with the sewerage of the city it being hereby provided that no sewers outside the district coloured blue on the said plan shall be connected with the said low-level sewer which is in all time coming to be reserved exclusively for the said district coloured blue The District Board shall at all times have reasonable facilities afforded to them by the Town Council for inspecting the sewers and the plans of the sewers of the said district coloured blue and surrounding districts so as to satisfy themselves that the terms of this condition are being duly observed provided always that any expenses or costs which the Town Council may incur or be put to in connection

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A.D. 1936. — with such inspection shall be repaid to them by the District Board as the amount of such expenses or costs may be certified by the city surveyor. It is also understood that all rights at common law competent to the District Board or the proprietors or occupiers of salmon fishings in the said river are expressly reserved in the event of its being found that injury or damage is caused to the said salmon fishings by the discharge of sewage from the said low-level sewer.

Fourth The Town Council shall be entitled to construct and maintain storm overflows into the river Dee at the points marked A B C D E and F on the said plan it being understood that the said storm overflows are to be so constructed as not to be used continuously but only in time of heavy rainfall and then only when the sewer with which the storm overflow is connected runs not less than two-thirds full it being also understood that all rights at common law competent to the District Board or to the proprietors or occupiers of salmon fishings in the said river are expressly reserved in the event of its being found that injury or damage is caused to the said salmon fishings by the discharge of sewage from all or any of the said storm overflows.

Fifth Until the said new sewer with outfall into the sea for draining the two districts coloured red on the said plan has been constructed the main sewer marked on the said plan by the letters X Y Z and which runs from Mannofield Ruthrieston and Ferryhill to the existing outfall below Victoria Bridge shall continue to discharge its sewage into the river at such point below Victoria Bridge as the Town Council may be advised by the engineer to adopt in terms of article third of this agreement it being expressly provided and understood that no part or portion of any of the existing sewers or of any sewers which may be constructed in the future in or for any district other than the district falling to be drained by the said main sewer marked by the letters X Y Z shall be connected with the said sewer so as to discharge into the said outfall.

Sixth This arrangement is hereby accepted as a settlement of all questions between the Town Council and the District Board in connection with the discharge of sewage into the river Dee.

Seventh The Town Council undertake to apply to Parliament in the session of 1899 for an Act to enable them to carry out the works proposed. These works shall be completed within four years from the date of the passing of the Act it being understood that the works connected with the construction of the said new outfall shall be proceeded with immediately after the Act comes into operation and carried out with the least possible delay.

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Eighth This agreement shall be incorporated with or scheduled to the intended Act subject to such alterations as Parliament may think fit to make thereon In the event of any alteration being made by Parliament on this agreement which in the opinion of David Dundas esquire Q.C. whom failing Henry Johnston esquire Q.C. is material thereto either of the parties may withdraw the same. A.D. 1936.

In Witness whereof these presents printed on this and the preceding page are executed by the parties in duplicate as follows that is to say Are in the terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by John Fleming the lord provost Alexander Lyon junior the senior baillie and William Gordon the town clerk all of the said city and royal burgh of Aberdeen and sealed with the common seal of the Town Council of the said burgh at Aberdeen on the seventeenth day of November one thousand eight hundred and ninety-eight before these witnesses George Strachan and George Thomson both assistants in the town clerk's office Aberdeen and are also subscribed on behalf of the District Board by George Davidson merchant in Aberdeen the said John Fleming Sir Thomas Burnett baronet of Leys and Alexander Copland manager of the Aberdeen Commercial Company being four and a quorum of the members of the District Board at a meeting of the Board at Aberdeen on the seventh day of December in the year last mentioned before these witnesses Andrew Walker cashier and David Duncan law clerk both to Messrs. Wilson and Duffus advocates in Aberdeen declaring that this testing clause from and after the words "that is to say" is written by the said George Thomson.

JNO. FLEMING Lord Provost.

GEORGE STRACHAN Witness.

ALEXANDER LYON Jun.

GEO. THOMSON Witness.

Senior Baillie.

W. GORDON Town Clerk.



GEO. DAVIDSON.

ANDW. WALKER Witness.

JNO. FLEMING.

DAVID DUNCAN Witness.

T. BURNETT.

ALEX. COPLAND.

A.D. 1936.

THE THIRD SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Works for which property may be taken.	Number on deposited plans.
Work No. 1 - - - - -	3 10.
Work No. 2 - - - - -	43.
Work No. 3 - - - - -	52.
Work No. 4 - - - - -	75 76 77 78 87.
Work No. 11 - - - - -	154.
Work No. 13 - - - - -	165 168 169.

THE FOURTH SCHEDULE.

DESCRIPTION OF THE BOUNDARIES OF THE AREA
WHICH WILL DRAIN TO THE CITY.

Commencing at a point where the city boundary crosses the river Dee near Kaim House and extending westwards along the county boundary to the mouth of the Culter Burn thence following the Culter special district boundary in first a westerly direction in a straight line and then in a north-westerly direction in a straight line to a point on the special district boundary at North Craigton the extreme north-west point of the existing special district boundary thence in a straight line to the point where the proposed town planned road No. 9 named the Drum Bye-pass Road in the Aberdeen and District Joint Town Planning Scheme 1933 joins the Wester Ord Road north of Holemill thence along the centre of the said Drum Bye-pass Road No. 9 in an easterly direction to its junction with the proposed West Brimmond Hill Ring Road No. 22 in the scheme at Hill of Milltimber thence along the centre of the proposed West Brimmond Hill Ring Road No. 22 in a north-easterly direction till it meets the said No. 9 Road at the Freedom Boundary (Aberdeen) south-west of Westfield thence along the centre of the aforesaid Drum Bye-pass Road No. 9 to a point west of Foggieton Cottages where it meets the proposed Cairngrassie-Craibstone Ring Road No. 26 thence along the centre of the proposed Cairngrassie-Craibstone Ring Road No. 26 in a northerly direction to a point at its junction

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with the road leading to Nether Fifeshill at Newton of Countesswells thence in a straight line in a due easterly direction till it meets the city boundary north of Wardhead and thence following the city boundary to the commencing point of this description near Kaim House.

A.D. 1936.

THE FIFTH SCHEDULE.

ACTS AND ORDERS REPEALED.

Session and chapter.	Title of Act or Order.	Extent of repeal.
25 & 26 Vict. c. cciii.	The Aberdeen Police and Waterworks Act 1862.	Section 70 so far as it relates to byelaws relative to paving the streets within the city section 88 Part XXII Part XXIII Part XXIV except section 287 Part XXV Part XXVI sections 365 366 367 and 368.
28 & 29 Vict. c. cexl.	The Aberdeenshire Roads Act 1865.	The whole Act so far as it relates to the city and to the Corporation.
29 & 30 Vict. c. xciii.	The General Police and Improvement (Scotland) Supplemental Act 1866.	Sections 5 to 7 inclusive of the Order scheduled thereto.
30 Vict. c. li	The Aberdeen Police and Waterworks Amendment Act 1867.	Section 37 so far as it relates to the provision of ventilation of common stairs passages and private courts sections 67 to 71 inclusive sections 73 to 79 inclusive.
34 & 35 Vict. c. clxi.	The Aberdeen Municipality Extension Act 1871.	Sections 131 to 135 inclusive sections 141 and 142 144 and 145 160 162.
44 & 45 Vict. c. lxxiii.	Aberdeen Corporation Act 1881.	Part VI except sections 72 73 and 74.
46 & 47 Vict. c. lx.	Aberdeen Extension and Improvement Act 1883.	Section 88.
54 & 55 Vict. c. cxxiv.	Aberdeen Corporation Act 1891.	Section 32.
56 & 57 Vict. c. exciv.	Aberdeen (Gas and Water) Act 1893.	Section 50.

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Session and chapter.	Title of Act or Order.	Extent of repeal.
62 & 63 Vict. c. lx.	Aberdeen Corpora- tion Act 1899.	Part III Part IV except sec- tions 41 42 43 and 44 the Second Schedule.
63 & 64 Vict. c. ccxxiv.	Aberdeen Police and Improvement Act 1900.	Section 36 Part VI except sec- tions 43 and 44 Part VII section 65.
7 Edw. 7. c. cxi.	Aberdeen Corpora- tion Order 1907.	Part VII.
1 & 2 Geo. 5. c. cxxiv.	Aberdeen Corpora- tion Order 1911.	Section 18.
5 & 6 Geo. 5. c. i.	Aberdeen Corpora- tion Order 1915.	Sections 37 and 40.
12 & 13 Geo. 5. c. xlix.	Aberdeen Corpora- tion Order 1922.	Section 51.
20 & 21 Geo. 5. c. cxxxii.	Aberdeen Corpora- tion Order 1930.	Part VII except section 66 sec- tions 88 and 90.
25 Geo. 5. c. ii.	Aberdeen Corpora- tion Order 1934.	Subsection (6) of section 36 Part X sections 93 to 96 in- clusive section 123.

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