

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxviii.]
1 EDW. 8.] *Order Confirmation Act, 1936.*



CHAPTER lxxviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Aberdeen Corporation. 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 Order Confirmation Act 1936.

Short title.

A.D. 1936.

SCHEDULE.

ABERDEEN CORPORATION.

Provisional Order to authorise the lord provost magistrates and town council of the city and royal burgh of Aberdeen to construct additional waterworks and to confer further powers on them in connection with their water undertaking to authorise the Corporation to construct street improvements a bridge over the river Dee and new tramways to empower the Corporation to provide a bathing pool on a portion of the links to confer powers on the Corporation with respect to the sale of coal &c. to authorise them to borrow further money and to make further provision with respect to the local government health and finance of the said city 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 Corporation are the owners of the water undertaking of the city and under the provisions of various Acts and Orders supply water in the city and adjoining districts :

25 & 26 Vict.
c. cciii.

48 & 49 Vict.
c. cxxiii.

6 & 7 Geo. 5.
c. i.

And whereas the quantity of water authorised to be taken by the Corporation from the river Dee for the purposes of their water undertaking by the Aberdeen Police and Waterworks Act 1862 and by the Aberdeen Corporation Water Act 1885 was by the Aberdeen Corporation Water Order 1916 increased to eleven millions of gallons per day :

25 & 26
Geo. 5. c. ii.

And whereas the boundaries of the city were extended by the Aberdeen Corporation Order 1934 and it is expedient that the Corporation should be authorised to take additional quantities of water from the river

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Dee in order to provide a supply sufficient to meet the growing needs of the city : A.D. 1936.

And whereas it is expedient that the Corporation should be authorised to construct and maintain the new service reservoirs and other waterworks in this Order described and by means of the same and the existing waterworks of the Corporation to take and use such additional quantity of water from the river Dee as is in this Order provided :

And whereas it is expedient that the Corporation should be empowered to make the street improvements in this Order described :

And whereas it would be for the public and local advantage that the powers in this Order contained should be granted for the construction of a bridge over the river Dee at or near Allenvale in the city with the works connected therewith in this Order described :

And whereas the Corporation have constructed and maintain tramways in the city and it is expedient that they should be authorised to construct the tramways in this Order described :

And whereas it is expedient that the Corporation should be authorised to provide a bathing pool on a portion of the links at Aberdeen and that the powers in this Order contained should be conferred on the Corporation with respect thereto :

And whereas it is expedient that the provisions of the Weights and Measures Act 1889 as by this Order amended relating to the sale of coal should be made applicable to the city and in connection therewith that certain provisions contained in the Aberdeen Police and Waterworks Act 1862 should be repealed as in this Order provided and that the Corporation should be empowered to extend the provisions of this Order relating to the sale of coal to the sale of coke as in this Order provided : 52 & 53 Vict.
c. 21.

And whereas it is expedient to make further provision with regard to the finances of the Corporation and to authorise the Corporation to borrow further moneys for the purposes of the several works in this Order described and for the other purposes of this Order and in this Order specified :

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And whereas estimates have been prepared by the Corporation for and in relation to the purposes in this Order mentioned and such estimates are as follows :—

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For the construction of the service reservoirs and other waterworks by the Order authorised - - - -	94,750
For the construction of the street improvements by this Order authorised - - - -	800
For the construction of the bridge over the river Dee and relative works by this Order authorised - - -	184,000
For the construction of the tramways by this Order authorised - - - -	15,000
For the purchase of lands and servitudes	5,535

And whereas the several works and purposes 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 new service reservoirs and other waterworks and of the street improvements the bridge and other works connected therewith and of the tramways in this Order described and a plan showing the lands to be appropriated and used for the purposes of the bathing pool by this Order authorised and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be taken or used for the purposes or under the powers of this Order were duly deposited with the sheriff clerks of the counties of Aberdeen and Kincardine :

And whereas it is expedient that further provision should be made with reference to the health local government and improvement of the city and that the further provisions in this Order contained should be enacted :

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

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

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PART I.

PRELIMINARY.

1.—(1) This Order may be cited as the Aberdeen Corporation 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 and collective titles and commencement.

(2) This Order and the Aberdeen Corporation Tramways Acts 1872 to 1934 may be cited together as the Aberdeen Corporation Tramways Acts 1872 to 1936.

(3) This Order shall except in so far as otherwise expressly provided come into operation on the date of the passing of the Act confirming this Order which date is hereinafter referred to as "the commencement of this Order."

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

Division of Order into Parts.

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Street improvements.
- Part IV.—Bridge.
- Part V.—Lands.
- Part VI.—Tramways and trolley vehicles.
- Part VII.—Links.
- Part VIII.—Sale of coal &c.
- Part IX.—Public health and sanitation.
- Part X.—Police powers.
- Part XI.—Financial.
- Part XII.—Miscellaneous.

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

Interpretation.

"Act of 1862" means the Aberdeen Police and Waterworks Act 1862;

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 54 & 55 Vict.
 c. cxxiv.
- “ Act of 1891 ” means the Aberdeen Corporation Act 1891 ;
- “ Burgh fund ” means the burgh fund established under and in pursuance of the Order of 1934 ;
- “ City ” means the city and royal burgh of Aberdeen ;
- “ City Acts ” means the Aberdeen City Acts 1862 to 1934 ;
- “ Corporation ” means the lord provost magistrates and town council of the city ;
- “ Corporation stock ” has the same meaning as in the Act of 1891 ;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction therefor ;
- 9 & 10 Geo. 5.
 c. 57.
 21 & 22
 Geo. 5. c. 11.
- “ 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 ;
- “ Lord provost ” means the lord provost of the city ;
- “ Magistrate ” means a magistrate or judge having jurisdiction under the Act of 1862 ;
- “ Minister ” means the Minister of Transport ;
- 15 & 16
 Geo. 5.
 c. cxxix.
 20 & 21
 Geo. 5.
 c. cxxxii.
 25 & 26
 Geo. 5. c. ii.
- “ Order of 1925 ” “ Order of 1930 ” and “ Order of 1934 ” mean respectively the Aberdeen Corporation Order 1925 the Aberdeen Corporation Order 1930 and the Aberdeen Corporation Order 1934 ;
- “ 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 depute ;
- “ Street improvements ” means the street improvements described in Part III of and authorised by this Order ;

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- “Telegraphic line” has the same meaning as in the Telegraph Act 1878; A.D. 1936.
41 & 42 Vict.
c. 76.
- “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;
- “The tramways” means the tramways hereinafter described and authorised by this Order;
- “The Tramways Acts” means the Aberdeen Corporation Tramways Acts 1872 to 1934;
- “Tramway undertaking” means the tramway undertaking of the Corporation for the time being authorised;
- “Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Acts amending that Act; 17 & 18 Vict.
c. 91.
- “Water undertaking” means the waterworks and the water undertaking of the Corporation for the time being authorised and includes the waterworks by this Order authorised.

4. 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 hereby incorporated with and form part of this Order:—

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845); 8 & 9 Vict.
c. 19.

The Railways Clauses Consolidation (Scotland) Act 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; 8 & 9 Vict.
c. 33.

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The Tramways Act 1870—

33 & 34 Vict.
c. 78.

Section 3 (Interpretation of terms);

Part II (Construction of tramways); and

Part III (General provisions);

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

PART II.

WATER.

Power to
take
further
water from
river Dee.

5.—(1) Subject to the provisions of subsection (2) of this section the Corporation may for the purposes of the water undertaking take appropriate divert and use by means of their existing waterworks and the waterworks authorised by this Order any quantity of water from the river Dee at Cairnton not exceeding seven millions of gallons in any one day reckoning from midnight to midnight in addition to the eight millions of gallons authorised to be taken by the Act of 1862 and by the Aberdeen Corporation Water Act 1885.

(2) Notwithstanding anything contained in the foregoing provisions of this section the Corporation shall not—

- (a) take appropriate or divert more than thirteen and one-quarter millions of gallons of water from the river Dee in any one day until such time as the Corporation have completed such portion of the works described in and authorised by the section of the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936 of which the marginal note is "Power to construct additional sewers and take lands" as would be necessary to enable the sewage from the county area referred to in the section of the said Order of which the marginal note is "As to sewage of part of county of Aberdeen" being received into the said works of the Corporation;
- (b) take appropriate or divert more than fourteen millions of gallons of water from the river Dee

in any one day during the period between the completion by the Corporation of the sewers and relative works referred to in paragraph (a) of this subsection and the connection of the said sewers of the county council of the county of Aberdeen with the said works of the Corporation as aforesaid.

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(3) Section 35 (Power to take additional water from river Dee) of the Aberdeen Corporation Water Order 1916 is hereby repealed.

6 & 7 Geo. 5.
c. i.

6. The Corporation shall within six months from the commencement of this Order pay to the Fishery Board for Scotland the sum of five thousand pounds which sum shall within a period not exceeding seven years from the receipt thereof by the Board be expended by them on such works or improvements as the Board in consultation with the district board of the river Dee may think fit for the benefit of the salmon fisheries of the river Dee.

Compensation for salmon fishings.

7.—(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 be entitled at any time after they have commenced to discharge sewage from part of the county into the sewers of the Corporation in virtue of the right conferred on the county council by the section of the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936 of which the marginal note is "As to sewage of part of county of Aberdeen" to make requisition in writing to the Corporation for the supply of such quantity or quantities of water in bulk by meter not exceeding in the whole eight hundred and fifty thousand gallons in any one day of twenty-four hours as the county council may from time to time require for distribution within any part of the county and any such supply of water shall be delivered by the Corporation to the county council at a rate of eightpence per thousand gallons until the first day of June one thousand nine hundred and forty-two and thereafter at a rate per thousand gallons equivalent to the gross cost for equal quantity to the Corporation of providing water within the city with an addition of fifteen per centum to such rate:

As to supply of water to Aberdeen County Council.

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— Provided that for the period from the first day of June one thousand nine hundred and forty-two to the first day of June one thousand nine hundred and sixty-two the rate per thousand gallons shall not exceed ninepence halfpenny :

Provided also that the right to requisition the eight hundred and fifty thousand gallons above provided for shall be in addition to the rights of the county council under section 19 (15) of the *Aberdeen Corporation Water Order 1916.*

(2) Such water shall be supplied at such convenient point or points as the Corporation and the county council may agree upon or in default of agreement as may be determined by arbitration as hereinafter provided :

Provided that it shall not be competent for the arbiter to determine any point or points which would necessitate the laying by the Corporation of any additional main or pipe.

(3) The Corporation shall as soon as reasonably may be after the receipt of any requisition in pursuance of the provisions of this section from the county council form the necessary connections for affording such supply and the county council shall repay to the Corporation the cost of forming such connections and the cost from time to time incurred by the Corporation in maintaining the same as the same may be agreed upon or determined by arbitration as hereinafter provided :

Provided that if any such point is situate within the city the Corporation shall construct and maintain all works so far as lying within the city necessary for conveying the water to be supplied from such point to the area of the county to be supplied and the cost incurred by the Corporation in constructing and maintaining such works shall be repaid to the Corporation by the county council as the same may be agreed or determined by arbitration as hereinafter provided :

Provided further that in the event of any such works in the city being used for purposes other than the supply of water to the county council the Corporation shall make payment to the county council for and in respect of such use of such sum as may be agreed between the parties or determined by arbitration as hereinafter provided.

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(4) The Corporation shall supply and maintain all necessary meters for metering such water and the county council shall pay to the Corporation meter rents on the same scale as are applicable within the city. A.D. 1936.
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(5) If owing to drought or any other cause the Corporation find it necessary to impose restrictions on water consumers within the city or on any class of such consumers the county council shall on being requested by the Corporation so to do impose similar restrictions on consumers within the county who are receiving water supplied by the Corporation under the provisions of this section or on the like class of such consumers (as the case may be).

(6) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water under the provisions of this section if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Corporation or during any time when the waterworks of the Corporation shall be undergoing necessary repairs or cleansing and the Corporation shall give to the county council the earliest possible notice of any such repairs or cleansing which would affect the supply of water to the county council under the provisions of this section.

(7) As from the date when the county council take a supply of water from the Corporation under the foregoing provisions of this section section 19 (For protection of county council of county of Aberdeen and district committee of Aberdeen district of said county) of the Aberdeen Corporation Water Order 1916 shall be read and have effect as if the words "at the same rate of charge for each thousand gallons of water supplied as may from time to time be charged by the Corporation per thousand gallons of water for water supplied by meter outside the compulsory limits of water supply of the Corporation under deduction of twenty per centum from such rate" were omitted from subsection (15) of the said section and as if the following words were inserted in place thereof "at a rate of eightpence per thousand gallons until the first day of June one thousand nine hundred and forty-two and thereafter at a rate per thousand gallons equivalent to the gross cost per equal quantity to the Corporation of providing

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“ centum to such rate but for the period from the first
“ day of June one thousand nine hundred and forty-two
“ to the first day of June one thousand nine hundred and
“ sixty-two the rate per thousand gallons shall not exceed
“ ninepence halfpenny.”

(8) If any difference shall arise between the Corporation and the county council under 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 application of either party. If any question of law shall arise in the course of such 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.

Power to
make water-
works.

8. Subject to the provisions of this Order the Corporation may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say) :—

Work No. 1 An enlargement or extension of the existing Cults pumping station of the Corporation;

Work No. 2 An aqueduct conduit line or lines of pipes commencing at or in the Cults pumping station of the Corporation and terminating at or in the service reservoir (Work No. 3) hereinafter described;

Work No. 3 A service reservoir situate two hundred yards or thereabouts north of Fernhill Farm buildings and at or near the south-east corner of the enclosure numbered 1815 on the 1/2500 Ordnance map of Aberdeenshire sheet LXXV.9 (edition of 1925);

Work No. 4 A service reservoir at or near the Pitfodels service reservoir of the Corporation near mains of Hillhead and situate in the enclosure numbered 2381 on the 1/2500 Ordnance map (edition of 1925) Aberdeenshire sheet LXXV.13;

Work No. 5 An aqueduct conduit line or lines of pipes commencing at or in the service reservoir (Work No. 3) hereinbefore described and terminating at or in the Rosehill service reservoir of the Corporation near the junction of the Cairncry Road with Anderson Drive North; A.D. 1936.

Work No. 6 A washout pipe commencing at or in the service reservoir (Work No. 3) hereinbefore described and terminating by a junction with the Den Burn at or near the south-east corner of enclosure numbered 491 on the 1/2500 Ordnance map (edition of 1925) Aberdeenshire sheet LXXV.9.

The works hereinbefore described will be situate in or pass from through or into the city the city parish of Aberdeen the parishes of Peterculter and Newhills and the county of Aberdeen.

9. The provisions contained in the sections herein-after specified of the Aberdeen Corporation Water Order 1916 shall extend and apply in respect of the works by this Part of this Order authorised as if the same were with the necessary modifications re-enacted in this Order (that is to say):— Application of certain provisions of Order of 1916 to new waterworks.

- Section 5 (Power to make subsidiary works);
- Section 6 (Limits of deviation);
- Section 7 (Alteration of roads &c. temporarily);
- Section 19 (For protection of county council of county of Aberdeen and district committee of Aberdeen district of said county) other than subsection (15) thereof;
- Section 33 (Reservation of water and other rights on sale);
- Section 34 (Corporation may enlarge or increase number of pipes &c.);
- Section 36 (Power to discharge water into streams &c.);
- Section 41 (Supply of water from aqueducts &c.);
- Section 42 (Prevention of contamination).

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Period for
completion
of water-
works.

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

New works
to form
part of
water un-
dertaking.

11. Subject to the provisions of this Order the works to be constructed under the authority of this Part of this Order shall for all purposes be deemed to be part of the water undertaking and the provisions of the city Acts so far as relating to the water undertaking shall be read and apply accordingly.

Limiting
powers of
Corporation
to abstract
water.

12. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them under this Order unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Order or some Act of Parliament or other Order confirmed by or having the effect of an Act of Parliament.

PART III.

STREET IMPROVEMENTS.

Power to
make street
improve-
ments.

13. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the street improvements in the city hereinafter described with all proper works and conveniences connected therewith (that is to say):—

Work No. 1 A widening and improvement of King Street on the east side thereof and of Pittodrie Street on the south side thereof at the junction of those streets commencing in King Street at a point 9 yards or thereabouts southward from the junction of that street with Pittodrie Street and terminating in Pittodrie Street 28 yards or thereabouts north-eastward from the point of commencement;

Work No. 2 A widening and improvement of Merkland Road East on the north side thereof and of Ardarroch Road on the west side thereof at the junction of those streets commencing in

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Merkland Road East at a point 5 yards or thereabouts westward from the junction of that road with Ardarroch Road and terminating in Ardarroch Road 19 yards or thereabouts north-eastward from the point of commencement; A.D. 1936.
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Work No. 3 A new street from Exchange Street to Stirling Street commencing in the centre of Exchange Street at a point 62 yards or thereabouts north-westward from the junction of that street with Guild Street and terminating in the centre of Stirling Street at a point 62 yards or thereabouts north-westward from the junction of that street with Guild Street.

14. In the construction of the street improvements the Corporation may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet. Power to deviate in constructing street improvements.

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

PART IV.

BRIDGE.

16. Subject to the provisions of this Order the Corporation may in the lines and according to the levels shown on the deposited plans and sections construct the bridge across the river Dee and works connected therewith hereinafter described with all necessary and proper works connected therewith. The works authorised by this Part of this Order are situate wholly in the city and are— Power to construct bridge over river Dee at Allenvale.

Work No. 1 A widening and improvement of Whinhill Road on the east and west sides thereof and of Allenvale Road on the east side thereof commencing in Whinhill Road at its junction

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with Murray Terrace and terminating in Allenvale Road at its junction with Riverside Drive;

Work No. 2 An alteration to the levels of Allenvale Road commencing at a point in Work No. 1 hereinbefore in this section described at the junction of that road with Whinhill Road and terminating at a point 70 yards or thereabouts westward from the point of commencement;

Work No. 3 An alteration to the levels of Riverside Drive commencing at a point 95 yards or thereabouts west of the junction of Riverside Drive with Allenvale Road and terminating at a point 200 yards or thereabouts east of the said junction;

Work No. 4 A new bridge over the river Dee commencing in Riverside Drive at its junction with Allenvale Road and terminating at the point of commencement of the intended new street or road (Work No. 5) hereinafter in this section described on the south side of the river Dee at a point 145 yards or thereabouts south-westward from the point of commencement;

Work No. 5 A new street or road commencing at the point of termination of the new bridge (Work No. 4) hereinbefore in this section described and terminating in Stonehaven Road at a point 108 yards or thereabouts south-east from the south end of Bridge of Dee.

Subsidiary works.

17. The Corporation may in connection with the works authorised by this Part of this Order alter the levels of the existing roadways and approaches to such works and for the purposes thereof make junctions and communications with any existing streets and roads which may be intersected or interfered with by or be contiguous to such works or such alterations or deviations of approaches or other works and conveniences in connection with the same respectively as may be necessary or expedient and may also make and maintain such temporary approaches landing places and works as may be necessary or expedient.

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18. Subject to the provisions of this Order the Corporation may in connection with the works authorised by this Part of this Order construct place and maintain in the river Dee and on the banks bed and foreshore thereof all such temporary piles fenders booms dolphins pontoons caissons stagings coffer dams embankments piers abutments walls fences drains stairs buildings and other works and conveniences as may be necessary or expedient.

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Subsidiary
works
affecting
river Dee.

19. In the construction of the works authorised by this Part of this Order 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.

Limits of
deviation.

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

Period for
completion.

21. The Corporation shall in constructing the new bridge Work No. 4 by this Part of this Order authorised provide for the accommodation of telegraphic lines of the Postmaster-General the equivalent content of a space twenty inches by twelve inches in one of the footways of the said bridge The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted for the reasonable approval of the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

Accommo-
dation for
Post Office
telegraphs.

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Provision
as to part
of Duthie
Park.

44 & 45 Vict.
c. lxxiii.

41 & 42 Vict.
c. 8.

22. Whereas in pursuance of the Aberdeen Corporation Act 1881 (hereinafter in this section referred to as "the Act of 1881") the Corporation are owners of a public park in the city known as Duthie Park which park was gifted to the Corporation by the late Miss Elizabeth Crombie Duthie for the recreation use and behoof of the inhabitants of the city And whereas the Corporation are under obligation pursuant to section 25 (Park to be maintained under the Public Parks (Scotland) Act 1878) of the Act of 1881 and the agreement between the late Miss Elizabeth Crombie Duthie of Rutherieston of the first part and the lord provost magistrates and town council of the royal burgh and city of Aberdeen of the second part scheduled to and confirmed by the Act of 1881 (hereinafter in this section referred to as "the scheduled agreement") to uphold and maintain the said park in all time coming as a park public walk or pleasure ground under and in terms of the Public Parks (Scotland) Act 1878 for the recreation use and behoof of the inhabitants of the city And whereas the Corporation as road authority for the city are constructing a new approach road leading to the central parts of the city from the bridge and relative works authorised by this Part of this Order and it is expedient and would be in the public interest that a strip of ground forming part of the said park should be utilised for the purposes of Work No. 1 by this Part of this Order authorised and should cease to form part of the said park Now therefore notwithstanding anything contained in the Act of 1881 or in the scheduled agreement or in any disposition or other deed relating to the said park the Corporation may utilise the strip of ground forming part of the said park shown on the deposited plans for the purposes of Work No. 1 by this Part of this Order authorised or so much of the said strip of ground as may be required for the said purposes and the said strip of ground or such part thereof as is so required as aforesaid shall thereupon cease to form part of the said park and the provisions of the Act of 1881 and of the Public Parks (Scotland) Act 1878 so far as applicable to the said park shall cease to apply to the said strip of ground or part thereof as aforesaid No action at law shall lie against the testamentary trustees of the said late Miss Elizabeth Crombie Duthie in consequence of the provisions of this section.

PART V.

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LANDS.

23. Subject to the provisions of this Order the Corporation may enter upon take and use for the purposes of Part II (Water) Part III (Street improvements) and Part IV (Bridge) of this Order respectively such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for or in connection with the construction of the works described in Part II (Water) Part III (Street improvements) and Part IV (Bridge) of this Order respectively and by this Order authorised Provided that nothing contained in this Order shall authorise the Corporation for the purposes of Part IV (Bridge) or this Part of this Order to enter upon take use or affect any railways or property belonging to the London and North Eastern Railway Company without the consent of that company.

Com-
pulsory
acquisition
of lands.

24. 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 of the county in which the lands are situate and the duplicate thereof with the town clerk or in the case of lands situate in the county of Aberdeen with the clerk of the Aberdeen District Council 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 take the lands and execute the works in accordance with such certificate.

Correction
of errors in
deposited
plans and
book of
reference.

A.D. 1936.
—
Power of
entry.

25. At any time after notice to treat has been served for any land which the Corporation are by this Order authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with the provisions of sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Period for
compulsory
purchase
of lands.

26. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease upon the first day of January one thousand nine hundred and forty-one in respect of the lands required for or in connection with the construction of the works described in Part II (Water) of this Order and upon the first day of January one thousand nine hundred and forty in respect of the lands required for or in connection with the construction of the works described in Part III (Street improvements) and Part IV (Bridge) of this Order respectively.

Compen-
sation in
case of
recently
altered
buildings.

27. In settling any question of disputed purchase money or compensation payable under 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.

Acquisition
of lands
by agree-
ment.

28. In addition to the lands shown on the deposited plans and described in the deposited book of reference the Corporation may purchase by agreement in connection with and for the purposes of the works by this Order authorised such other lands as they may deem requisite not exceeding in the whole ten acres.

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxviii.]
1 EDW. 8.] *Order Confirmation Act, 1936.*

29. Whereas in the construction of the works by 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 :—

A.D. 1936.
—
Owners
may be
required to
sell parts
only of
certain
properties.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First 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 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 :
- (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 :

A.D. 1936.
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- (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 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

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such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit. A.D. 1936.

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.

30. The provisions contained in the sections hereinafter specified of the Orders hereinafter mentioned shall so far as applicable extend and apply as if the said provisions were with the necessary modifications re-enacted in this Order (that is to say):— Application of certain provisions of Orders of 1916 and 1930.

Aberdeen Corporation Water Order 1916—

Section 11 (Corporation may acquire servitudes and wayleaves only in certain cases).

Order of 1930—

Section 13 (Extinction of private rights of way);

Section 17 (Benefits to be set off against compensation);

Section 18 (Power to enter upon property for survey and valuation);

Section 19 (Persons under disability may grant servitudes &c.);

Section 21 (Underpinning of walls of houses);

Section 22 (Power to take down buildings and lay out lands);

Section 23 (Power to reinstate owners of property); and

Section 24 (Land thrown into streets to be public highway):

A.D. 1936.

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Provided that the said sections 17 21 and 24 of the Order of 1930 shall not extend or apply to or in respect of the provisions of Part II (Water) of this Order.

Acquisition
of small
areas of
land for
municipal
purposes.

22 & 23

Geo. 5. c. 49.

31. Subject to the provisions of this section the Corporation may for the purposes of constructing thereon (a) public lavatories and conveniences and (b) shelters and other accommodation for passengers on their tram-cars and trolley vehicles and on public service vehicles from time to time and subject to the restrictions in Part II of the Third Schedule to the Town and Country Planning (Scotland) Act 1932 purchase and take compulsorily any areas of land in the city not exceeding in the case of any area one thousand superficial yards in extent which they may deem it expedient so to acquire and the Corporation may make an order authorising them to purchase and take compulsorily any such area which order shall be submitted to the Secretary of State for confirmation by him in accordance with the provisions (so far as they are applicable) of the said schedule and that schedule with any necessary modifications and subject to the substitution of the Secretary of State for the Department of Health for Scotland shall have effect for the purposes of this section. Provided that this section shall not apply to any land or property belonging to a railway company and forming part of their undertaking or to any land or property belonging to the Aberdeen Harbour Commissioners.

PART VI.

TRAMWAYS AND TROLLEY VEHICLES.

New
tramways.

32. Subject to the provisions of this Order and of Parts II and III of the Tramways Act 1870 the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all necessary and proper rails chairs plates channels junctions sidings crossovers passing-places points turntables turnouts and conveniences connected therewith. Provided that nothing in this Part of this Order 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

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provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. A.D. 1936.
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45 & 46 Vict.
c. 56.

The tramways hereinbefore referred to and authorised by this Order are—

Tramway No. 1 5·08 chains or thereabouts in length commencing by a junction with the existing tramways of the Corporation in Castle Street 62 yards or thereabouts west from the centre of the Market Cross and terminating by a junction with the existing tramways of the Corporation in Castle Street at a point 20 yards or thereabouts east from the centre of the Market Cross;

Tramway No. 2 2 furlongs 0·09 chains or thereabouts in length commencing by a junction with the existing tramways of the Corporation in King Street 11 yards or thereabouts south from the junction of that street with Pittodrie Street and thence along Pittodrie Street and Ardarroch Road and terminating by a junction with the existing tramways of the Corporation in Merkland Road East at a point 48 yards or thereabouts west from the junction of that road with Ardarroch Road;

Tramway No. 3 4 furlongs 2·45 chains or thereabouts in length commencing in Great Northern Road by a junction with the existing tramways of the Corporation at the Woodside terminus thereof thence along Great Northern Road and terminating at the city boundary at Scatterburn.

The tramways will be situate wholly in the city
Tramways Nos. 1 and 2 shall respectively be laid partly as a single and partly as a double line and Tramway No. 3 shall be laid as a double line throughout its length.

33. The tramways shall for all purposes form part of the tramway undertaking and the Corporation may subject to the provisions of the Tramways Acts and this Order work the traffic thereon and levy and take tolls fares and charges for the use thereof. Tramways
to form
part of
tramway
under-
taking.

A.D. 1936.

Tramways
part of
city under-
taking.

34. The tramways shall be and be deemed to be and be maintained as a city undertaking within the meaning of the Act of 1891 and this Order shall be and be deemed to be a City Act within the meaning of the Act of 1891.

Period for
completion
of tram-
ways.

35. The tramways shall be completed within five years from the first day of January one thousand nine hundred and thirty-seven and on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Application
of provisions
of existing
Acts to
tramways.

36.—(1) The sections of the Tramways Acts mentioned in the Second Schedule to this Order shall so far as not varied by or inconsistent with the provisions of this Order extend and apply to the tramways.

(2) In the exercise of the powers of section 23 (Power to construct subsidiary works for working tramways by mechanical power) of the Aberdeen Corporation Tramways Act 1900 for the purposes of this Order no pole post or other apparatus shall be erected in the carriageway of any road without the consent of the Minister.

3 Edw. 7.
c. cxliii.

(3) Subsection (B) (4) of section 16 (For protection of Postmaster-General) of the Aberdeen Corporation Tramways Order 1903 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

Power to
run trolley
vehicles
along routes
of new
tramways.

37. For the purposes of Part VI (Trolley vehicles) of the Order of 1934 the tramways shall be deemed to be tramways authorised to be constructed by the Corporation in the city at the date of the passing of the Act confirming the Order of 1934 and the Corporation may work and run trolley vehicles along the routes of the tramways accordingly.

Lost
property.

38.—(1) The Public Service Vehicles (Lost Property) Regulations 1934 made by the Minister in exercise of the powers vested in him under or by virtue of the Road Traffic Acts 1930 to 1934 and any regulations amending extending or in substitution for the said regulations shall extend and apply mutatis mutandis in respect

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of property found in the tramcars and trolley vehicles of the Corporation as if such tramcars and trolley vehicles respectively were public service vehicles as defined in the Road Traffic Act 1930. A.D. 1936.
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20 & 21
Geo. 5. c. 43.

(2) Section 29 (Lost property) of the Aberdeen Corporation Order 1922 and so much of section 65 (Application of sections of Tramways Acts to trolley vehicles) of the Order of 1934 as applies the said section 29 of the said Order of 1922 to the trolley vehicles of the Corporation authorised by the Order of 1934 are hereby repealed. 12 & 13
Geo. 5.
c. xlix.

PART VII.

LINKS.

39.—(1) Subject to the provisions of this Order the Corporation may on the lands shown on the deposited plans forming part of the links and not exceeding in the whole four acres construct and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered sea water or fresh water swimming and other baths and bathing pools with all buildings conveniences and appliances including refreshment rooms in connection therewith requisite for the purposes of health recreation and amusement (all of which are hereinafter in this Part of this Order included in the expression "the baths"). Power to provide bathing pool on links.

(2) The Corporation may make and enforce byelaws for the management use and regulation of the baths and for regulating the conduct of the persons resorting thereto and all such byelaws may be enforced by the imposition of penalties and shall be confirmed and published under and according to the provisions contained in the Public Parks (Scotland) Act 1878 as regards the byelaws thereby authorised.

(3) The Corporation may also lay down and provide within the city such intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea or fresh water to the baths and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets and alter the position of any culverts pipes and wires under any street Provided that the Corporation shall not alter the position of or otherwise

A.D. 1936. — interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(4) The Corporation may let on lease to any company body or person for such period and on such terms and conditions as they may think fit the baths or may enter into arrangements with any company body or person for the exercise by such company body or person of all or any of the powers and rights conferred on the Corporation by this Order with regard to the provision maintenance and carrying on of the baths.

(5) Before constructing any works below high-water mark of ordinary spring tides under the powers of this section the Corporation shall consult the Aberdeen Harbour Commissioners as to the locus of such works with a view to minimising interference with the salmon fishings belonging to the said commissioners.

Application of certain sections of Order of 1925 to baths.

40. The Corporation shall have and may exercise in respect of the baths all or any of the powers conferred on them by the aftermentioned sections of the Order of 1925 in respect of "the entertainment buildings" referred to in section 4 (Use of links for entertainment buildings) of the Order of 1925 and in respect of the public baths and swimming baths referred to in the said aftermentioned sections (that is to say) :—

Section 5 (Power to charge for admission to and use of entertainment buildings);

Section 6 (Provision of concerts entertainments &c.);

Section 10 (Use of swimming baths in winter);

Section 11 (Use of swimming baths for exhibitions and entertainments); and

Section 12 (Byelaws as to family and mixed bathing).

Power to let baths.

41.—(1) The Corporation may grant or let with or without charge the use of the whole or any part of the baths together with the right to charge for admission thereto for the purpose of any public or other meetings or any entertainments or exhibition for such periods or occasions and upon such terms and conditions as the Corporation may think fit.

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(2) Subject to the provisions of this Order the Corporation may let part of the baths for the sale of refreshments (other than exciseable liquor) for such periods and upon such terms and conditions as the Corporation may think fit provided that any such letting shall be by tender and the Corporation shall secure the best rent reasonably obtainable. A.D. 1936.
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42. The expenses incurred by the Corporation in maintaining and managing or otherwise in relation to the baths shall be charged upon and be paid or satisfied out of the burgh fund and shall be deemed to be expenditure payable out of the city rate under the sixth head payable by owners and occupiers in equal proportions. As to expenses incurred in respect of baths.

PART VIII.

SALE OF COAL &C.

43. This Part of this Order shall come into operation on the first day of June one thousand nine hundred and thirty-seven. Commencement of Part VIII of Order.

44. In this Part of this Order unless the subject or context otherwise requires— Definitions for Part VIII of Order.

“Coal” includes any other fuel of which coal is a constituent;

“Inspector of weights and measures” means an inspector appointed under and by virtue of the Weights and Measures Acts;

“Vehicle” means any carriage cart waggon truck barrow or other means of carrying materials by land in whatsoever manner the same may be drawn or propelled but does not include a railway truck or waggon;

“Weighing instrument” means and includes scales with the weights belonging thereto scale beams balances spring balances steel-yards weighing machines and other instruments for weighing;

“Weights and Measures Acts” means the Weights and Measures Act 1878 and any Act amending or extending the same; 41 & 42 Vict. c. 49.

Words and expressions to which by the Weights and Measures Acts meanings are assigned have the same respective meanings.

A.D. 1936.

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Coal to be
sold by
weight.

45.—(1) All coal shall be sold by weight only except where by the written consent of the purchaser it is sold by boat load or by waggon or tubs delivered from the colliery into the works of the purchaser.

(2) If any person sells coal otherwise than as required by this section he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for every such sale.

Delivery of
coal over
two
hundred-
weight.

46.—(1) Where any quantity of coal exceeding two hundredweight is delivered by means of any vehicle to a purchaser the seller of the coal shall therewith deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before any part of the coal is unloaded a ticket or note in the form contained in the Third Schedule to this Order or according to a form to the like effect.

(2) If default is made in complying with the requirements of the immediately preceding subsection of this section with respect to the delivery or sending of a ticket or note or if the quantity of coal delivered is less than the quantity expressed in the ticket or note the seller of the coal shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or any other officer appointed for the purpose by the Corporation he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Coal sold
in bulk.

47.—(1) Where any quantity of coal exceeding two hundredweight is conveyed for delivery on sale in a vehicle in bulk the seller of the coal shall cause the weight of the vehicle (unless the vehicle is provided by the purchaser) as well as of the coal contained therein to be previously ascertained by a weighing instrument stamped by an inspector of weights and measures and being on or near to the place from which the coal is brought.

(2) In any such case the seller of the coal shall insert or cause to be inserted in the ticket or note required

[26 GEO. 5. & *Aberdeen Corporation* [Ch. lxxviii.]
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by this Part of this Order to be given by him a statement of the correct weight of the vehicle or of the vehicle and of the animal drawing it where both are weighed together with the load as well as of the correct weight of the coal contained in the vehicle. A.D. 1936.
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(3) If any person fails to comply with the requirements of this section he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

48. If any person in charge of any vehicle in which coal is carried wilfully makes any false statement as to the tare weight of the vehicle or wilfully does any act by which either the seller or the purchaser of the coal is defrauded he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds. Fraud by
drivers
of coal
vehicles.

49. If any person on the sale of coal in any quantity not exceeding two hundredweight fraudulently delivers to the purchaser a less quantity of coal than is agreed to be sold he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds. Deficient
weight of
coal on
small sales.

50.—(1) Where coal is sold by retail for delivery at the place where it is kept for sale and there is not at or near such place any weighing instrument stamped by an inspector of weights and measures at which the coal can be weighed the seller shall keep at that place a weighing instrument stamped as aforesaid and shall if so required by any purchaser or by any inspector of weights and measures or any other officer appointed for the purpose by the Corporation weigh any coal before the sale or delivery thereof. Weighing
instrument
to be kept
where coal
sold by
retail.

(2) If any person fails to comply with the requirements of this section he shall be guilty of an offence and shall be liable to a penalty not exceeding for a first offence two pounds and for any subsequent offence five pounds.

51.—(1) The Corporation may for the purposes of this Part of this Order provide erect (so far as not already done) and maintain upon or adjacent to any street or at any other convenient place (not being upon any land or property of a railway company or of the Aberdeen Harbour Commissioners) fixed weighing instruments and offices in connection therewith for the use of the public Public
weighing
instruments.

A.D. 1936. — and houses for the accommodation of the persons in charge thereof as they think necessary and may also provide furnish and maintain such and so many portable weighing instruments as they think necessary and may appoint persons to keep and attend any such instruments.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighing instruments.

(3) The keeper of any such weighing instrument shall during such hours as may be fixed by the Corporation weigh or re-weigh any vehicle or the contents or load of any vehicle presented to him for that purpose capable of being weighed on such weighing instrument and shall enter in a book and also give to the person in charge of the vehicle a ticket or note stating—

- (a) The contents or load of such vehicle;
- (b) The gross weight of such vehicle;
- (c) The tare weight of such vehicle if ascertainable;
- (d) The number of such vehicle if marked thereon;
and
- (e) The date and time of weighing such vehicle;

for which ticket or note he may exact from the person in charge of the vehicle such fees as may be fixed by the Corporation under the provisions of this Part of this Order but such fees shall be repaid to the person in charge of the vehicle by the person receiving delivery of the contents of such vehicle.

(4) If the keeper of any such fixed weighing instrument—

- (a) Refuses without reasonable excuse to weigh or re-weigh any vehicle or the contents or load of any vehicle; or
- (b) Gives a ticket or note specifying untruly or incorrectly any of the particulars hereinbefore in this section mentioned; or
- (c) So weighs any vehicle or the contents or load of any vehicle as wilfully to defraud any person;

he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

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52.—(1) Any seller or purchaser of coal or person in charge of a vehicle in which coal is carried or inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coal or any vehicle used for the carriage of coal in bulk be weighed or re-weighed by any weighing instrument stamped by an inspector of weights and measures :

A.D. 1936.
—
Weighment
of coal or
vehicle.

Provided as follows :—

- (a) No seller of coal or person in charge of a vehicle in which coal is carried shall be required under this section to carry coal beyond one mile ;
- (b) Where any such coal or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coal or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(2) If any person obstructs or if any driver or other person in charge of any such vehicle refuses to assist when called upon so to do any weighing or re-weighing by this section authorised he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

53.—(1) Every person selling coal in quantities not exceeding two hundredweight shall register his name and address with the Corporation and no person shall carry on the business of selling coal as aforesaid unless he so registers.

Registration
of sellers
of coal in
small
quantities.

(2) Any person offending against the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

(3) Public notice of the effect of the provisions of this section shall be given as soon as is reasonably practicable after the commencement of this Order by advertisement in two newspapers published or circulating in the city.

(4) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of subsection (3) of this section have been complied with.

A.D. 1936.

Byelaws
as to sale
of coal.

54.—(1) The Corporation may make byelaws for all or any of the following purposes (that is to say) :—

- (i) Regulating for the purpose of this Part of this Order the sale of coal in quantities not exceeding two hundredweight;
- (ii) Requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which coal is carried for sale or delivery to a purchaser;
- (iii) Fixing the fees to be paid for the use of any weighing instrument maintained by the Corporation;
- (iv) Regulating the charges to be made for the cartage and delivery of coal;
- (v) Prohibiting the wilful damping of coke;
- (vi) Regulating the weighing of vehicles in which coal is carried for the purpose of ascertaining the tare weight.

(2) The Corporation by any such byelaws may provide for the imposition of penalties not exceeding five pounds for each offence committed against any of such byelaws.

Publication
of byelaws.

55. The following provisions shall apply to such byelaws (that is to say) :—

- (1) The Corporation shall during two successive weeks give notice of any proposed byelaws by advertisement once weekly in one or more newspapers published and circulating in the city the last advertisement being published not less than one month before such byelaws are submitted to the Board of Trade as hereinafter in this section provided;
- (2) Any person interested shall be entitled within one month from the date of the said last advertisement to lodge with the town clerk objections to such byelaws;
- (3) The Corporation shall after the expiry of one month from the date of the said last advertisement send to the Board of Trade a copy of such byelaws and of such objections thereto if any

as may have been lodged and the Board of Trade may hear any person who shall have lodged such objections and they may approve disallow or alter such byelaws; A.D. 1936.
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(4) No such byelaws shall come into operation until they have been approved of by the Board of Trade who before giving such approval may direct one of their inspectors or other person to be appointed by them to inquire into and report on such byelaws and any objections thereto and the Board of Trade shall have the same powers as regards expenses as are conferred on the Secretary of State by section 93 of the Local Government (Scotland) Act 1889; and 52 & 53 Vict. c. 50.

(5) The Corporation shall in one or more newspapers published and circulating in the city publish in full such byelaws when approved of by the Board of Trade and shall also supply gratis to every person applying to the town clerk for the same a copy of any of the proposed byelaws or of any byelaws approved of by the Board of Trade.

56. Any such byelaws approved of by the Board of Trade may be proved by the production of a copy of such byelaws purporting to be certified by the town clerk as a true copy and any such byelaws so proved shall be taken to have been duly made and approved of by the Board of Trade unless and until the contrary is proved. Proof of byelaws.

57.—(1) Any inspector of weights and measures or any other officer appointed for the purpose by the Corporation may at all reasonable times enter any building or other place in which coal is sold or kept or exposed for sale and may stop any vehicle or person carrying coal for sale or for delivery to a purchaser and may test any weights and weighing instruments found in any such building place or vehicle and may weigh any load sack or other less quantity of coal found in any such building place or vehicle or which is in course of delivery to any purchaser. Weighment of coal in shop or vehicle.

(2) If it appear to the magistrate that any load sack or less quantity so weighed is of less weight than

A.D. 1936. — that represented by the seller the person selling or keeping or exposing the coal for sale or the person in charge of the vehicle as the case may be shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(3) Any person who obstructs or hinders or any person in charge for the time being of any such building place or vehicle who when called upon so to do refuses to assist any inspector or officer acting under this section shall be liable to a penalty not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

Extension
of this Part
of Order to
sale of coke.

55 & 56 Vict.
c. 55.

58. The Corporation may by resolution and with the approval of the Secretary of State declare that as from such date as may be specified in such resolution the provisions of this Part of this Order and of any bye-laws made under such provisions shall apply to the sale of coke and the provisions of section 15 of the Burgh Police (Scotland) Act 1892 shall with the necessary modification extend and apply to such resolution.

Repeal of
provisions
of Act of
1862.

59. Section 174 (Purchaser of coals may require them to be weighed) section 175 (Power to provide portable machines for weighing coals) section 176 (Retailers of coals to keep scales and weights for weighing at the time of delivery) and section 177 (Penalty on driver refusing to weigh) of the Act of 1862 are hereby repealed.

Expenses of
executing
this Part
of Order.

60. Any expenses incurred by the Corporation in executing and administering this Part of this Order shall be charged upon and be paid or satisfied out of the burgh fund and shall be deemed to be expenditure payable out of the city rate under the first head payable by occupiers.

PART IX.

PUBLIC HEALTH AND SANITATION.

Dustbins.

61.—(1) The Corporation may require the occupiers of houses shops or other premises to provide portable dustbins for domestic refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

[26 GEO. 5. & Aberdeen Corporation [Ch. lxxviii.]
1 EDW. 8.] Order Confirmation Act, 1936.

(2) The Corporation may purchase suitable or standard dustbins and may on such terms and conditions as they may decide supply or let the same on hire to occupiers of shops houses or other premises. A.D. 1936.
—

(3) Any person who refuses to comply with any requirement of the Corporation under the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

PART X.

POLICE POWERS.

62. Section 21 (Theatres &c. to be licensed) of the Aberdeen Corporation Order 1911 shall be read and have effect as if the following subsection was inserted therein after subsection (2) thereof:—

Amendment
of section 21
of Order
of 1911.
1 & 2 Geo. 5.
c. cxxiv.

“(2A) Any person contravening or failing to comply with any condition attached by the magistrates to any licence granted by them under this section shall be guilty of an offence and shall without prejudice to the right of the magistrates to revoke such licence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings in respect of every day or part of a day during which the offence continues after the imposition of the first mentioned penalty.”

63.—(1) Every person who carries on within the city the trade of window cleaner and every person employed by him who performs the duties of window cleaning in the city shall be licensed by the lord provost and magistrates in the same manner as if they had been included among the persons mentioned in section 210 (Provost and magistrates may licence carters and porters) of the Act of 1862 and the provisions of that Act with respect to the licensing of the persons mentioned in the said section 210 shall extend and apply to all such persons. Window cleaners to be licensed.

(2) Any such licence shall be subject to such conditions as may be attached thereto by the lord provost and magistrates who may make byelaws for regulating

A.D. 1936. the conduct of such persons and any other matter which
— they may deem necessary to secure the proper conduct
of such persons.

(3) Every person who acts in contravention of any of the provisions of this section or of any byelaws made thereunder or who contravenes or fails to comply with any condition attached to any licence granted under this section shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

(4) The provisions of subsection (1) of this section shall come into operation on the first day of July one thousand nine hundred and thirty-seven.

As to
damage to
lamps &c.

64.—(1) Any person who takes away or wilfully breaks throws down or damages any police box police telephone pillar street refuge direction sign sign post lamp-post lamp-bracket lamp or lighting apparatus or any appliance for the regulation or control of traffic or any tramway standard or other apparatus forming part of the tramway undertaking electricity section box transformer or other electricity apparatus or any receptacle for the temporary deposit and collection of dust ashes litter or rubbish or any sand bin belonging to or set up by the Corporation (all or any of which are in this section referred to as "street apparatus") or who wilfully damages the appurtenances of any street apparatus or without lawful authority extinguishes any light thereof shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds for every such offence and shall pay such further sum of money not exceeding twenty pounds as the sheriff may assess as the amount of damage done by him.

(2) (i) If any person shall through carelessness break throw down or damage any street apparatus and shall not upon demand make satisfaction for such damage it shall be lawful for the sheriff upon complaint thereof being established to his satisfaction to order such sum of money (not exceeding twenty pounds) to be paid as the damage proved shall amount to.

(ii) If through carelessness on the part of the driver of any vehicle any street apparatus be broken thrown down or damaged by such vehicle the amount of the damage done to the extent aforesaid may be recovered

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1 EDW. 8.] *Order Confirmation Act, 1936.*

from either the driver or the owner of the vehicle A.D. 1936.
Provided that if the owner prove that such vehicle was
being driven without his authority the sheriff shall not
make any order for payment against him.

(3) Section 263 (Penalty for wilfully injuring gas pipes or extinguishing lamps) and section 264 (Penalty for carelessly damaging gas pipes) of the Act of 1862 (as such last-mentioned section is amended by section 34 (Increase of penalty for damaging Corporation gas and electric lamps &c.) of the Order of 1925) are hereby repealed.

65. Every person who in connection with the Loading or unloading of goods in street.
loading unloading packing or unpacking of goods or articles of any description causes or permits straw paper packing material or debris from any crate package or vehicle to be thrown or laid or to fall on any street and does not immediately remove the same or who in any way litters any street shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings Provided that the provisions of this section shall not apply in respect of any wharf or quay belonging to the Aberdeen Harbour Commissioners.

PART XI.

FINANCIAL.

66. The Corporation may from time to time borrow Further borrowing powers.
at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods from the date or dates of borrowing (each of which is in this Order referred to as "the prescribed period") mentioned in the third column thereof and they shall provide annually out of the burgh fund the amounts of money required for paying interest on the money borrowed and for paying off the principal sums within the prescribed period. Provided that the sum of £184,000 referred to in the following table as required for the construction of the bridge and relative works authorised by Part IV (Bridge) of this Order shall be reduced by such sum (if any) as the Minister of Transport may grant towards the cost of such construction and relative works.

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Order Confirmation Act, 1936. 1 EDW. 8.]

A.D. 1936.

1	2	3
Purpose.	Amount.	Prescribed period.
	£	
For the construction of the works authorised by Part II (Water) of this Order.	94,750	50 years.
For the general purposes of the water undertaking.	30,000	40 years.
For the construction of the street improvements authorised by Part III (Street improvements) of this Order.	800	50 years.
For the construction of the bridge and relative works authorised by Part IV (Bridge) of this Order.	184,000	50 years.
For the construction of the tramways authorised by Part VI (Tramways and trolley vehicles) of this Order.	15,000	20 years.
For the electrical equipment of the tramways authorised by Part VI (Tramways and trolley vehicles) of this Order.	3,050	20 years.
For the provision of the bathing pool and relative works authorised by Part VII (Links) of this Order.	60,000	30 years.
For an omnibus garage or garages and workshops for the tramway undertaking.	50,000	30 years.
For motor omnibuses - - -	50,000	7 years.
For acquisition of private omnibus undertaking.	20,000	10 years.
For plant for the tramway undertaking	10,000	15 years.
For the improvement of existing streets	25,000	15 years.
For the purchase of lands and servitudes under the powers of this Order.	5,535	60 years.
For paying the costs charges and expenses of obtaining this Order.	The sum requisite.	Five years from the date of the commencement of this Order.

Application of sections of Order of 1930 to borrowing powers.

67. The provisions contained in the sections of the Order of 1930 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to money borrowed under the authority of this Order as if the said provisions were re-enacted in this Order :—

Section 71 (Repayment of moneys borrowed);

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Section 72 (Borrowing powers under this Order to be deemed borrowing powers under Act of 1891); A.D. 1936.

Section 73 (Power to re-borrow);

Section 74 (Application of moneys borrowed).

68. Except where otherwise provided in this Order any expenditure incurred by the Corporation for the purposes of this Order or any of them (including the amounts required for paying interest on and for paying off the moneys borrowed) shall be charged upon and be paid or satisfied out of the burgh fund and shall be deemed to be expenditure payable out of the city rate under the sixth head payable by owners and occupiers in equal proportions. Expenses of carrying Order into execution.

69.—(1) Section 63 (Creation of corporation stock) of the Act of 1891 shall be read and have effect as if the proviso to subsection (1) thereof were omitted therefrom provided that nothing in this section shall affect any existing corporation stock created and issued by the Corporation under the powers of the Act of 1891. Amend-ment of sections 63 and 96 of Act of 1891.

(2) Section 96 (Saving for power to borrow otherwise) of the Act of 1891 shall be read and have effect as if the following words were omitted therefrom “but whenever from time to time after the date of the first issue of corporation stock the Corporation raise money otherwise than by corporation stock they shall cause to be given to each lender of money so raised notice in writing signed by an authorised officer of the Corporation of the equality of charge which corporation stock has by virtue of this Part of this Act.”

70. After the twenty-eighth day of May one thousand nine hundred and thirty-seven section 8 (Deficiencies in entertainments revenue to be made good out of city rate) of the Order of 1925 shall be repealed and that Order shall be read and have effect as if the following section were substituted for the said section 8 thereof:— Amendment of Order of 1925 as to deficiencies in entertainments revenue.

“The expenses incurred by the Corporation in maintaining and managing the entertainment buildings together with the interest and sinking fund in respect of moneys borrowed for the purposes thereof shall be paid out of the revenues of the

A.D. 1936.
—

entertainment buildings and in any year when such revenues shall be insufficient for the purpose the deficiency may be made good out of the city rate to an amount not exceeding one penny in the pound of rateable value and shall be deemed expenditure under the fourth head of the estimate made up in terms of section 39 (Annual expenditure to be estimated by town council) of the Act of 1891 and the proportion of such rate corresponding thereto shall be chargeable against and payable one-half by the owners and one-half by the occupiers of lands and heritages within the city.”

PART XII.

MISCELLANEOUS.

Index plates
showing
position of
fire-plugs
&c.

71.—(1) The Corporation may cause to be put up at or upon the railings or in or upon the walls of any building or elsewhere in any street or public place fire alarms battery boxes and index plates or make markings showing the position of the fire-plugs in any street or public place and may put down fire-plugs in any street or public place and may attach telephone or telegraph wires necessary for the working of their fire establishment to or may take such wires over or across any lands and heritages without being liable to any claim for compensation for so doing Provided that any person feeling himself aggrieved as to the mode in which the Corporation may carry out any of the powers in this subsection contained may appeal to the sheriff whose decision shall be final.

(2) No person shall remove or cause to be removed any such fire alarm box plate or marking or telephone or telegraph wires without the consent in writing of the Corporation after giving due notice to the Corporation of their intention so to remove or cause to be removed.

(3) Any person who shall cause any obstruction to the putting up of any such fire alarm box plate or marking or who shall remove pull down injure deface destroy or otherwise interfere with the same or shall wantonly ring any such fire alarm shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for each offence.

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(4) No such telephone or telegraph wires shall be used nor shall the powers herein contained be in any way exercised in contravention of the exclusive privileges conferred on His Majesty's Postmaster-General by the Telegraph Act 1869.

A.D. 1936.

32 & 33 Vict.
c. 73.

(5) The Corporation shall not attach any such telephone or telegraph wires to any part of any bridge station depot aqueduct or other property forming part of the railway of any railway company without the consent in writing of the engineer of such company such wires (if allowed) to be temporarily removed at any time when required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge station depot aqueduct or other property.

72.—(1) The Corporation may from time to time make such byelaws as they shall think necessary for regulating the use of the site for market stances provided by them in pursuance of section 52 (Provision of new site for stall holders) of the Order of 1934 and the markets held on the said site and the conduct of persons resorting thereto or carrying on business or employed thereat including (without prejudice to the foregoing generality) byelaws for some or all of the purposes following (that is to say):—

Byelaws as
to site for
market
stances off
Justice
Street.

- (a) the days on which and the time during which stalls may be erected on the said site;
- (b) the charges to be made for stalls;
- (c) the number size arrangement and position of stalls; and
- (d) the use of the said site for other than market purposes and conditions applicable to such use :

Provided that nothing in any such byelaws shall prejudice the rights of stall holders and their successors in business being members of their respective families with respect to the charges to be made for stalls referred to in subsection (3) of the said section 52 of the Order of 1934.

(2) Every person who acts in contravention of any byelaw made under the provisions of this section shall be guilty of an offence and shall be liable to a penalty

A.D. 1936. — not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Application of certain provisions of Order of 1930 to street improvements and bridge.

73. The provisions contained in the sections hereinafter specified of the Order of 1930 shall so far as applicable extend and apply in respect of the works authorised by Parts III and IV of this Order as if the said provisions were with the necessary modifications re-enacted in this Order (that is to say):—

Section 7 (Power to make subsidiary works);

Section 8 (Corporation may form carriageways footways gardens and cellars); and

Section 14 (Temporary stoppage of streets).

Application of Parts of Act of 1862 to byelaws.

74. Except where otherwise provided in this Order the provisions and enactments contained in Parts XXXII and XXXIV of the Act of 1862 intituled respectively "Byelaws" and "Jurisdiction of police court" shall so far as applicable extend and apply in reference to byelaws and offences under this Order.

Recovery of penalties.

75. Any penalty under this Order or under any byelaws or regulations made under this Order unless otherwise specially provided for may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Works below high-water mark to be subject to approval of Board of Trade.

76.—(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.

(2) Any alteration or extension of any such work shall be subject to the like approval.

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

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debt due from the Corporation to the Crown and shall be recoverable accordingly. A.D. 1936.

77. 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 the Corporation under the powers of this Part of this Order 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.

78.—(1) Where any work constructed by the Corporation under the powers of this Order and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides 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.

Abatement
of work
abandoned
or decayed.

(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

A.D. 1936. Corporation to the Crown and shall be recoverable
— accordingly.

For
protection
of Crown
salmon
fishings.

57 & 58 Vict.
c. 13.

79. The Corporation shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of His right of salmon fishing through the exercise of the powers of this Order and in case the amount of such compensation shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Crown Lands and the other by the Corporation or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section.

Crown
rights.

80. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of
Order.

81. 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 in such manner as the Corporation may determine.

The SCHEDULES referred to in the foregoing Order. A.D. 1936.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain properties.")

Works for which property may be taken.	Number on deposited plans.
Part II (Water).	
Work No. 2 - - - - -	39 45 65 69
Work No. 5 - - - - -	90
Part III (Street improvements).	
Work No. 1 - - - - -	143
Work No. 2 - - - - -	145
Part IV (Bridge).	
Work No. 5 - - - - -	176 177 178 179 180

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Application of provisions of existing Acts to tramways.")

Date of Act or Order and marginal note of section.	Number of section.
Aberdeen District Tramways Act 1888—	
Gauge of tramways - - - - -	12
Carriages constructed for use on railways not to be used - - - - -	13
Tramways to be kept level with surface of roads - - - - -	15
Penalty for not maintaining tramways - - -	16
Company may be required to use improved rails	20
Temporary tramways may be made when necessary - - - - -	22

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Order Confirmation Act, 1936. 1 EDW. 8.]

A.D. 1936.	Date of Act or Order and marginal note of section.	Number of section.
	<i>Aberdeen District Tramways Act 1888—continued.</i>	
	Byelaws - - - - -	31
	Amendment of the Tramways Act 1870 as to byelaws by local authority - - - -	33
	Orders and byelaws - - - - -	34
	<i>Aberdeen District Tramways Act 1894—</i>	
	Cheap fares for labouring classes - - -	14
	As to fares on holidays and Sundays - -	15
	Periodical revision of tolls - - - -	16
	Provisions as to use of electric power - -	18
	Provision as to general Tramway Acts - -	20
	<i>Aberdeen District Tramways Order 1896—</i>	
	Provisions as to construction of tramways -	6
	<i>Aberdeen Corporation (Tramways) Act 1898—</i>	
	Annual estimate for tramways - - - -	30
	<i>Aberdeen Corporation Tramways Act 1900—</i>	
	Penalty for damage to tramways - - - -	21
	Provisions as to motive power - - - -	22
	Power to construct subsidiary works for working tramways by mechanical power - - - -	23
	Mechanical power works to be subject to section 30 of Tramways Act 1870 - - -	24
	Power to make byelaws &c. to facilitate traffic	26
	Penalties for offences against byelaws &c. -	27
	Confirmation of byelaws &c. by sheriff - -	28
	Notice of confirmation of byelaws &c. - -	29
	<i>Aberdeen Corporation Tramways Order 1903—</i>	
	Power to break up streets &c. - - - -	7
	Rails of tramways - - - - -	8
	Crossovers to be constructed in certain cases -	9
	Power to make additional crossings and to double tramway lines - - - - -	10
	Inspection by Board of Trade - - - - -	13
	For protection of Postmaster-General - - -	16
	Penalty for malicious damage - - - - -	17
	Recovery of penalties - - - - -	18
	Attachment of brackets to buildings - - -	19
	<i>Aberdeen Corporation Order 1915—</i>	
	Use of tramway posts by Postmaster-General -	25
	<i>Aberdeen Corporation Order 1930—</i>	
	Power to abandon tramways - - - - -	32
	<i>Aberdeen Corporation Order 1934—</i>	
	Inquiries by Minister - - - - -	131

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THE THIRD SCHEDULE.

A.D. 1936.

(Referred to in the section of this Order of which the marginal note is "Delivery of coal over two hundredweight.")

CITY AND ROYAL BURGH OF ABERDEEN.

WEIGHT TICKET OR NOTE ON DELIVERY OF COAL OVER TWO HUNDREDWEIGHT.

.....(here insert the name of buyer.)

Take notice that you are to receive herewith tons
cwt. qts. lbs. of coal.
(description of coal)

(When sold in sacks add)

in sacks each containing cwt. qts. lbs.
(When sold in bulk add)

Tons cwt. qts. lbs.

Weight of coal and vehicle - - - -

Tare weight of vehicle - - - -

Net weight of coal herewith delivered
to purchaser - - - -

.....(here insert the name of seller.)

.....(here insert the name of the person
in charge of the vehicle.)

Date of delivery.....

NOTE.

Where coal is delivered by means of a vehicle the seller must deliver or send by post or otherwise to the purchaser or his servant before any part of the coal is unloaded a ticket or note in this form.

Any seller of coal who delivers a less quantity than is stated in this ticket or note is liable to a penalty.

Any person in charge of a vehicle used for the delivery of coal who having received a ticket or note for delivery to the purchaser refuses or neglects to deliver it to the purchaser or his servant is liable to a penalty.

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