



CHAPTER xviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Inverness Burgh. [31st July 1947.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 26 Geo. 5. & 1936 and it is requisite that the said Order should be confirmed 1 Edw. 8. c. 52. by Parliament:

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 Inverness Burgh Order Confirmation Act 1947.

SCHEDULE.

INVERNESS BURGH.

Provisional Order to confer powers on the provost magistrates and councillors of the burgh of Inverness as to the licensing of employment agencies to make provision with respect to the local government and health of the burgh to authorise the said provost magistrates and councillors to borrow money and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Inverness (hereinafter referred to as "the Corporation") are the municipal and local authority for the burgh of Inverness in the county of Inverness and are charged with the management and administration thereof:

And whereas it is expedient that powers should be conferred on the Corporation in relation to the licensing of employment agencies in the burgh as provided by this Order:

And whereas it is expedient that further provision should be made with reference to the local government and health of the burgh:

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

26 Geo. 5. &
1 Edw. 8. c. 52.

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

PART I.

PRELIMINARY.

Short title and citation.

1. This Order may be cited as the Inverness Burgh Order 1947.

Commencement of Order.

2. This Order except where otherwise expressly provided shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is in this Order referred to as the commencement of this Order.

Order divided into Parts.

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

Part I.—Preliminary.

Part II.—Employment agencies.

Part III.—Public health.

Part IV.—Finance.

Part V.—Valuation of lands.

Part VI.—Miscellaneous.

4. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order or by any public or local Act of Parliament or Order applicable within the existing burgh shall subject to the provisions of this Order have the same respective meanings And in this Order unless the context otherwise requires the following expressions shall have the meanings assigned to them in this section (that is to say):—

PART I.
—cont.
Interpretation.

“ Burgh ” means the burgh of Inverness;

“ Consolidated rate ” means the consolidated rate of the burgh;

“ Corporation ” means the provost magistrates and councillors of the burgh;

“ Daily penalty ” means a penalty for every day on which any offence is continued after conviction therefor;

“ Dean of guild ” and “ dean of guild court ” mean respectively the dean of guild and the dean of guild court of the burgh.

“ Lands Valuation Acts ” means the Lands Valuation (Scotland) Act 1854 and any Acts amending or extending the same; 17 & 18 Vict. c. 91.

“ Local rates ” means the consolidated rate and the domestic and public water rates but does not include water dues and charges;

“ Magistrates ” means the magistrates of the burgh;

“ Medical officer ” means the medical officer of the burgh;

“ Sanitary inspector ” means the sanitary inspector of the burgh;

“ Sheriff ” means the sheriff of Inverness Moray Nairn and Ross and Cromarty and includes his substitutes;

“ Town clerk ” means the town clerk of the burgh.

PART II.

EMPLOYMENT AGENCIES.

5.—(1) In this Part of this Order the expression “ employment agency ” means any agency or registry in the burgh carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Order:—

Definition of
employment
agency.

(a) Any employment agency conducted by or under the direction and supervision of the Ministry of Labour and National Service under the Labour Exchanges Act 1909 or any other Act of Parliament; or 9 Edw. 7. c. 7.

(b) Any agency maintained by an education authority under the Education (Scotland) Act 1946 for collecting and distributing information as to employments open to pupils on leaving school; or 9 & 10 Geo. 6. c. 72.

PART II.
—cont.

(c) Any employment agency which is carried on for the purpose of obtaining employment for (i) persons formerly members of His Majesty's naval military or air forces or (ii) persons released from a prison or borstal institution or from an approved school and which is certified by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or

(d) Any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary.

(2) Any question whether a society or body is a society or body within the meaning of this section shall be determined by the Secretary of State.

Employment agencies to be licensed.

6. A person shall not carry on an employment agency without a licence from the Corporation authorising him so to do.

Applications for licences for employment agencies.

7. A person requiring a licence or the renewal of a licence under this Part of this Order shall make application in writing to the Corporation and shall in the application state—

(a) His full name;

(b) His age and nationality;

(c) His private address or if the application is made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;

(d) The name under which and the address at which the employment agency is carried on or proposed to be carried on;

(e) The nature of the employment agency;

(f) Whether and if so to what extent he is interested in any other employment agency; and

(g) Such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be licensed.

Grant of licences for employment agencies.

8.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under the last preceding section grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

(i) to any person under the age of twenty-one years; or

(ii) to any person who may be an unsuitable person to hold such licence; or

- (iii) in respect of any premises which are unsuitable for the purposes of an employment agency; or
- (iv) in respect of any employment agency which has been or is being improperly conducted.

(2) The Corporation shall not refuse to renew nor shall they revoke any such licence unless they have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objection has been or will be taken to such renewal or that a revocation is proposed and if such person makes a request in writing within three days after the receipt of such notice to be heard against such refusal or revocation he shall have afforded to him an opportunity of being heard.

(3) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Order they shall if required by the applicant or holder (as the case may) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the grounds for such refusal or revocation.

(4) Any person aggrieved by such refusal or revocation may appeal to the sheriff within fourteen days from the date of intimation thereof and notice in writing of the appeal shall be sent to the Corporation within twenty-four hours after such appeal has been entered.

(5) On any such appeal the sheriff may after considering any representations made by the Corporation either confirm the refusal or revocation or allow the appeal and may direct the Corporation to grant or renew a licence and the Corporation shall comply with such direction.

9. The Corporation may make byelaws—

Byelaws as to
employment
agencies.

- (1) For requiring any person holding a licence under this Part of this Order to keep (at his option) either books cards or forms showing the business conducted by him so far as it relates to his employment agency;
- (2) For prescribing entries to be made in connection with such business in such books or on such cards or forms;
- (3) For the prevention of fraud and immorality in the conduct of employment agencies; and
- (4) For regulating any premises used for the purposes of or in connection with employment agencies.

10. Every person holding a licence under this Part of this Order shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made by the Corporation under this Part of this Order.

Byelaws to be
exhibited in
premises
licensed.

11. Any person duly authorised by the Corporation in that behalf and showing his authority if required may (i) enter the premises specified in any licence or application under this Part of this Order or any premises which are used or which such person has reasonable cause to believe are used for the purposes of or in connection with an employment agency and (ii) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

Powers of
entry and
inspection by
Corporation.

PART II.
—cont.
Penalties
relative to
employment
agencies.

12.—(1) Every person who—

- (i) carries on within the burgh an employment agency without a licence under this Part of this Order (except as mentioned in the section of this Order whereof the marginal note is "Employment agencies to be licensed") or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Order to be given; or
- (ii) refuses to permit any person duly authorised by the Corporation to enter or inspect any such premises as are referred to in the section of this Part of this Order whereof the marginal note is "Powers of entry and inspection by Corporation" or the books cards or forms kept in connection with the employment agency carried on therein or obstructs any such person in the execution of this Part of this Order; or
- (iii) acts in contravention of any byelaws made under this Part of this Order or of any of the provisions of this Part of this Order for the contravention of which a penalty is not by this section specifically provided;

shall (subject to the provisions of subsection (2) of this section) on conviction by the sheriff under the Summary Jurisdiction Acts be liable in respect of an offence under paragraph (i) of this subsection to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of an offence under paragraph (ii) or paragraph (iii) of this subsection to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and in the case of any conviction for an offence under this Part of this Order the sheriff may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

(2) A person who has appealed to the sheriff in accordance with the provisions of this Part of this Order against a refusal by the Corporation to grant or renew a licence or against any revocation of a licence shall not be liable to any proceedings under this section for the offence of carrying on an employment agency without a licence under this Part of this Order until such appeal has been heard and determined or has been abandoned.

General
provisions as to
licences.

13. Subject to the provisions of this Order the following provisions shall apply to licences granted or renewed under the provisions of this Part of this Order (that is to say):—

- (1) (a) Every application for the grant or renewal of a licence shall be made in writing to the town clerk who shall when requested supply forms of application to intending applicants;

(b) All such applications shall be lodged with the town clerk and in the case of renewal of licence such application shall be lodged not later than two months before the expiry of the current licence:

- (2) Every licence shall remain in force for one year or until the sixteenth day of May next ensuing or for such shorter period as may be prescribed in the licence unless the same is sooner suspended revoked or forfeited.

14. A fee or charge of two guineas or one guinea respectively may be made by the Corporation in respect of the grant or renewal respectively of any licence granted or renewed under the provisions of this Part of this Order. Charges for licences.

15.—(1) Byelaws made by the Corporation under this Part of this Order shall not take effect until the same be confirmed by the sheriff who shall allow modify or disallow the same as he may think proper nor shall any byelaws be confirmed— Byelaws to be confirmed.

Unless notice of intention to apply for confirmation of the same has been given in one or more newspapers circulating within the burgh one month at least before the making of the application; and

Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the town clerk and has been open during office hours thereat to inspection without charge.

(2) Any person aggrieved by any proposed byelaw or by any proposed alteration of a byelaw may within such last-mentioned month forward notice of his objection to the sheriff and also to the town clerk.

(3) The town clerk shall on application furnish any person concerned with a copy of such proposed byelaws or any part thereof.

(4) A byelaw when confirmed by the sheriff shall not require confirmation allowance or approval by any other authority.

(5) For the purposes of this section the word "sheriff" shall mean the sheriff of Inverness Moray Nairn and Ross and Cromarty and shall not include his substitutes.

16.—(1) Byelaws made by the Corporation under and for the purposes of this Part of this Order shall be signed by the provost and the town clerk. Byelaws to be printed &c.

(2) All such byelaws shall be printed and the town clerk shall furnish any person applying for the same with a copy.

17. The Corporation shall by advertisement in one or more newspapers published in the burgh give intimation of the making and confirmation of byelaws under this Part of this Order. Publication of byelaws.

18. A copy of any byelaws made under this Part of this Order purporting to be signed and certified by the town clerk to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved of the due making confirmation approval and existence of such byelaws without further or other proof. Evidence of byelaws.

PART III.

PUBLIC HEALTH.

As to removal
of certain
infirm and
diseased
persons.

19.—(1) If the medical officer and another registered medical practitioner certifies in writing that any person in the burgh—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and in order to prevent injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to the sheriff and the sheriff upon oral proof of the allegations in the certificate and subject to examination of such person by a registered medical practitioner, to be nominated by him (if he thinks fit) may make an order for the removal of such person to a suitable hospital or institution or other suitable place provided or arranged for by the Corporation and for the care and maintenance of such person therein for such period (not exceeding three months) as may be determined by the order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person at least three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital or institution or other place as aforesaid and of his care and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation.

(4) Any person who wilfully refuses to comply with or obstructs the execution of an order under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5) (a) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the sheriff by or on behalf of the person in respect of whom the order was made for the rescission of the order and the sheriff may make a rescission order accordingly if having regard to the circumstances he is of opinion that it is right and proper that such rescission order should be made.

(b) Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the public health committee of the Corporation so to do in any particular case in which those powers are proposed to be exercised.

20. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered the sheriff may on the application of the Corporation (who shall give the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling maintained by the Corporation for such period as the sheriff may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary. Provided that upon the completion of such cleansing and disinfection of the dwelling-house the Corporation shall make provision for the return of such occupier to the dwelling-house.

As to cleansing
of certain
dwelling-houses.

21.—(1) Where it appears to the Corporation upon a report from the medical officer or from the sanitary inspector that any person or the clothing of any person is verminous then if that person consents to be removed to a cleansing station they may cause him to be removed to such a station and if he does not so consent they may apply to the sheriff and the sheriff if satisfied that it is necessary that such person or his clothing should be cleansed may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

Cleansing of
verminous
persons and
their clothing.

(2) Where a person has been removed to a cleansing station in pursuance to the last preceding subsection the Corporation shall take such measures as may in their opinion be necessary to free him and his clothing from vermin.

(3) The cleansing of females under this section shall be carried out only by a registered medical practitioner or by a woman duly authorised by the medical officer.

(4) Any consent required to be given for the purposes of this section may in the case of a person under the age of sixteen years be given on his behalf by his parent or guardian.

(5) A charge shall not be made in respect of the cleansing of a person or his clothing or in respect of his removal to or maintenance in a cleansing station under this section.

22.—(1) Every occupier of any shop or other premises used for the sale preparation or storage of butcher meat poultry game fish butter meal bread or any other article of food which by its nature will be liable to contamination by contact with unclean conditions who does not keep such shop or other premises clean and in good condition shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Penalty for
want of
cleanliness in
meat and
provision
shops &c.

PART III.
—cont.

(2) Every person who uses any cart basket or other article or thing for the disposal or sale of any article of food which by its nature will be liable to contamination by contact with unclean conditions and does not keep the same clean and in good condition shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Provisions as to
rooms where
food intended
for sale is
prepared or
stored &c.

23.—(1) Subject to the provisions of this section the following provisions shall have effect in relation to every room in which any food intended for human consumption other than milk is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale (that is to say):—

- (a) a sanitary convenience dustbin or ashpit shall not be within or communicate directly with the room or be so placed that offensive odours therefrom can penetrate into the room;
- (b) a cistern for the supply of water to the room shall not be in direct communication with or discharge directly into a sanitary convenience and there shall not be within the room any outlet for the ventilation of a drain or except with the approval of the Corporation an inlet into any drain conveying sewage or foul water;
- (c) the walls floor doors windows and ceiling of the room shall be kept in a proper state of repair;
- (d) the walls ceiling and doors of the room shall be painted white-washed cleansed or purified as often as may be necessary to keep them clean and the windows of the room shall be kept clean;
- (e) the room shall not be used as a sleeping place and so far as may be necessary to prevent risk of infection or contamination of food in the room a sleeping place adjoining the room shall not communicate therewith except through the open air or through an intervening ventilated space;
- (f) except in the case of an artificially refrigerated room suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;
- (g) refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in the room except so far as may be necessary for the proper carrying on of the trade or business for which the room is used and the floor of the room shall be cleansed as often as may be necessary to keep it clean;
- (h) cleanliness shall be observed by persons employed in the room both in regard to the room and all articles apparatus and utensils therein and in regard to themselves and their clothing; and
- (i) there shall be provided in or within reasonable distance of the room suitable washing basins and a sufficient supply of soap clean towels and clean water both hot and cold for the use of persons employed in the room:

Provided that paragraph (i) of this subsection shall not apply in relation to a room which is used for the sale or storage or for

the sale and storage of food contained in containers of such materials and so closed as to exclude all risk of contamination but is not otherwise used for any purpose in connection with the preparation storage or sale of food.

PART III.
—cont.

(2) If in the case of a room to which the preceding subsection applies—

- (a) any of the requirements of that subsection are not complied with; or
- (b) any person does or permits any act or thing in contravention of that subsection or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room; or
- (c) any person prevents the owner of the room from executing any work necessary to make the room comply with the said requirements;

then in the first-mentioned case the occupier of the room and in the other cases mentioned the person in question whether he be the occupier or not shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(3) If in the case of a room to which subsection (1) of this section applies any of the requirements specified in paragraphs (a) (b) (c) or (f) of that subsection is not complied with then in so far as that requirement is of a structural character the owner of the room shall if he let it for the purpose of being used for the preparation sale or storage of food or if not having so let it he permits it to be so used after receiving notice from the Corporation be liable on summary conviction to the same penalty as the occupier of the room but without prejudice to the liability of the occupier under the foregoing subsection.

(4) Where the owner of a room who did not let it for the purpose of being used for the preparation sale or storage of food executes any work necessary to make the room comply with the requirements of subsection (1) of this section he may recover the expenses incurred by him in so doing from the occupier of the room as a civil debt.

(5) In this section the expression "room" includes a shop or cellar or any other part of a building and a shed store or out-building or any part thereof and the provisions of this section except paragraphs (e) and (f) of subsection (1) thereof shall so far as applicable apply in relation to a yard forecourt or area as they apply in relation to a room.

24.—(1) The following provisions shall apply and have effect in relation to every vehicle in which any food intended for human consumption (other than milk) is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale (that is to say):—

Provisions
as to vehicles
used in
connection
with sale &c. of
food.

- (a) Every part of such vehicle adjacent to or liable to come in contact with any food as aforesaid shall be kept in a proper state of repair;

PART III.
—cont.

- (b) The inside of the floor sides ends roof and doors of such vehicle shall be painted washed cleaned or purified as often as may be necessary to keep them clean;
- (c) Sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained in such vehicle;
- (d) Refuse or filth either liquid or solid shall not be deposited or allowed to accumulate in such vehicle except so far as may be reasonably necessary for the proper carrying on of the trade or business for which the vehicle is used;
- (e) Due cleanliness shall be observed by persons employed in or about such vehicle and in the carrying of food to or from the vehicle.

(2) If in the case of a vehicle to which the preceding subsection applies—

- (a) any of the requirements of that subsection are not complied with; or
- (b) any person does or permits any act or thing in contravention of that subsection or fails to take such steps as may be reasonably necessary to prevent risk of contamination of food in the vehicle;

the owner of or any person in charge of such vehicle shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

25.—(1) If the medical officer certifies that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the burgh in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person fails to comply with such request the Corporation may apply to the sheriff for an order requiring him to stop his employment and the sheriff shall have power to make such an order if after consideration of all the circumstances he thinks fit to do so and may direct that such compensation as he deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

26.—(1) Every registered medical practitioner attending on a person in the burgh who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

Medical practitioners to notify cases of food poisoning.

(2) The Corporation shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

27.—(1) If the medical officer the sanitary inspector or any other officer duly authorised by the Corporation in that behalf has reasonable ground for suspecting that any food of which he has procured a sample is likely to cause food poisoning he may give notice to the person in charge of the food that until his investigations are completed the food or any specified portion thereof is not to be removed or is not to be removed except to some place specified in the notice.

Provisions as to suspected food.

(2) If as a result of his investigations the medical officer the sanitary inspector or such other officer is satisfied that the food in question may safely be used for human consumption he shall forthwith withdraw his notice but if he is satisfied that such food or any portion thereof is likely to cause food poisoning he may seize and remove it in order to have it dealt with by the magistrate and shall inform the person in whose possession it was found of his intention to have it dealt with by the magistrate and such person shall be entitled to appear before the magistrate and to be heard and call witnesses.

(3) If it appears to the magistrate that any food brought before him whether seized under the provisions of this section or not is unfit for human consumption he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) A person who removes any food in contravention of the requirements of a notice given under subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5) If a notice given under subsection (1) of this section is withdrawn by the medical officer the sanitary inspector or such other officer or if the magistrate before whom any food is brought under this section refuses to condemn it the Corporation shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the medical officer sanitary inspector or such other officer.

PART IV.

FINANCE.

Borrowing
powers.

28. The Corporation may borrow at interest for the payment of the costs charges and expenses of and in relation to this Order such sum as may be requisite and if such costs charges and expenses are paid out of borrowed money the same shall be repaid within five years from the date or dates of borrowing the same.

PART V.

VALUATION OF LANDS.

Supple-
mentary
valuation roll.

29.—(1) The Corporation acting under the Lands Valuation Acts in addition to the ordinary valuation roll for the burgh made up under the said Acts in each year shall between the first day of January and the first day of March in each year cause to be made up by the assessor for the burgh under the said Acts a supplementary valuation roll showing for the year or the portion of the year to Whitsunday then next in the form prescribed for the said ordinary valuation roll the rent or value of all lands and heritages within the burgh—

- (a) which were in existence prior to the term of Whitsunday immediately preceding and which owing to error were not included in or were omitted from the said ordinary valuation roll last made up;
- (b) which have come into existence after the term of Whitsunday immediately preceding and which were not included in the said ordinary valuation roll;
- (c) which were included but entered as unoccupied or empty in the said ordinary valuation roll and which have become occupied after the term of Whitsunday immediately preceding;
- (d) which were included and entered as occupied in the said ordinary valuation roll and for which one or more tenants jointly or severally pay or are liable to pay to the owner of such lands and heritages as the rent or value thereof for or in respect of the year to Whitsunday then next a sum greater than the amount entered as the rent or value thereof in the said ordinary valuation roll. Provided that in any such case the rent or value to be entered in the supplementary valuation roll shall be the difference between the amount entered in the said ordinary valuation roll and the rent or value of such lands and heritages payable as aforesaid by one or more tenants for or in respect of the said year.

(2) The provisions of the Lands Valuation Acts including the provisions as to notices appeals and courts for hearing the same shall mutatis mutandis be applicable to such supplementary valuation roll as if it were therein referred to.

PART VI.
—cont.

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

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

(iv) any tent van shed or similar structure erected or to be erected on the property of a railway company for railway purposes;

(v) any tent van shed or similar structure used or intended to be used for human habitation by a person whose regular employment or occupation is that of a roundabout proprietor or travelling showman (not being a pedlar or hawker) Provided that the period during which such tent van shed or similar structure is so used in the burgh shall not exceed a period of six months in any period of twelve months and such tent van shed or similar structure is only used in connection with his employment or occupation.

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

(3) If any person offends against any of the foregoing provisions of this section he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Section 73 (Tents and vans used for human habitation) of the Public Health (Scotland) Act 1897 shall in its application to the burgh be extended so as to authorise the Corporation to make by-laws with respect to the number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land the area to be allotted to each such tent van shed or similar structure the provision of adequate lighting of such land or area and precautions against fire and sections 183 to 187 of the said Act shall extend and apply to any byelaws made by the Corporation under this section.

(5) Nothing in this section shall prejudice or affect the powers and jurisdiction of the dean of guild or the dean of guild court.

35.—(1) (a) A person shall not carry on the business of a manufacturer or vendor of or dealer in ice-cream within the burgh unless he is registered by the Corporation.

Registration
&c. of dealers in
ice-cream and
their premises.

(b) Premises shall not be used for the manufacture for sale or sale of ice-cream or for the storage of ice-cream intended for sale unless such premises are registered by the Corporation.

(c) Any person who contravenes the provisions of this subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

PART V.
—cont.

(3) For the purposes of hearing and disposing of appeals against valuations entered in the supplementary valuation roll the burgh valuation courts of appeal as established under the Lands Valuation Acts shall be held between the fifteenth day of March and the fifteenth day of April in each year.

(4) The Corporation imposing any assessment upon the basis of the said ordinary valuation roll may impose in respect of all lands and heritages entered in such supplementary valuation roll supplementary assessments which shall be made so far as possible in the same manner under the same conditions and with the same powers of recovery as are applicable to the corresponding assessments imposed upon the basis of the said ordinary valuation roll Provided that such lands and heritages shall not be liable to be assessed more than once in any one year for the same rate or assessment in respect of the same rent or value.

(5) All expenses incurred by the Corporation in giving effect to the provisions of this section shall be defrayed in the same manner as the costs and expenses of and in connection with the said ordinary valuation roll.

(6) Assessments imposed in respect of lands and heritages entered in the supplementary valuation roll shall be due and payable on demand.

PART VI.

MISCELLANEOUS.

30. In the event of the dean of guild not being in attendance at any meeting of the dean of guild court the councillors of the dean of guild court may appoint one of their members to act as chairman of the meeting and such member when so presiding shall have all the rights powers and privileges of the dean of guild.

Appointment
of chairman of
dean of guild
court.

31. All property transferred to or vested in the Corporation by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing but for the purpose of enabling the Corporation to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by expediting a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

Vesting of
property
transferred to
Corporation
&c.

32.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether heritable or moveable for any local public purpose or for the benefit of the inhabitants of the burgh or of some part thereof and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Acceptance of
gifts of
property.

PART VI.
—cont.

(2) Where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from a rate they may subject to any condition or restriction attaching to the exercise of that power defray expenditure incurred in the exercise of the powers conferred by subsection (1) of this section out of money so raised.

Lopping of
overhanging
trees hedges
and shrubs.

33.—(1) Where any tree hedge or shrub overhangs any street footway or footpath so as to obstruct or interfere with the light from any public lamp or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him within fourteen days to lop or cut the tree hedge or shrub so as to prevent such obstruction or interference or danger and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost as a debt from the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any notice of the Corporation under this section may appeal to the sheriff within the foresaid period of fourteen days provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Regulation of
tents vans &c.
60 & 61 Vict.
c. 38.

34.—(1) It shall not be lawful for any person without the consent of the Corporation acting as the local authority for the burgh under the Public Health (Scotland) Act 1897—

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

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

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

(i) any tent van shed or similar structure placed or kept by the occupier of a dwelling-house upon any land connected therewith and used by him or members of his household;

(ii) any tent shed or similar structure used or intended to be used by the occupier for human habitation where such use shall not exceed a period of three months in any period of twelve months;

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

(a) any portion of His Majesty's naval military or air forces or any unit of the Sea Cadet Corps Senior Training Corps Junior Training Corps Army Cadet Force Air Training Corps or other cadet corps raised or officially recognised by the Board of Admiralty the Army Council or the Air Council;

PART VI.
—cont.

(2) (a) The Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises—

(i) as regards any person on the ground that the public health is or is likely to be endangered by any act or default of the person who is registered or who seeks to be registered as aforesaid in relation to the quality storage or distribution of the ice-cream; and

(ii) as regards any premises on the ground that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall deliver to the person applying for such registration or the person registered or in whose name the premises are registered a statement in writing of the ground or grounds on which such refusal or revocation is based Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such statement.

(c) Any person aggrieved by any such refusal or revocation may appeal to the sheriff provided that such appeal is made within fourteen days from the date of the delivery of the statement referred to in the immediately preceding paragraph of this subsection.

(d) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal.

(3) The Corporation may make a charge not exceeding five shillings in respect of the registration of any person or premises under this section.

(4) The provisions of this section shall not in any way affect the operation of the Factories Act 1937.

1 Edw. 8. &
1 Geo. 6. c. 67.

Power to
establish
information
bureau.

36. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau in the burgh for the purpose of supplying information with regard to the burgh and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

Subscriptions
to local
government
associations
and other
expenses.

37. The Corporation may pay out of the consolidated rate—

(a) reasonable subscriptions whether annually or otherwise not exceeding in the whole one hundred pounds in any one year to the funds of any association of municipal corporations or other local authorities or their officers formed for

the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the burgh;

(c) the sums by virtue of this section paid out of the consolidated rate shall not in any one year exceed the produce of one halfpenny in the pound.

38. The Corporation may in or over or in proximity to any of the parks or any building or premises belonging to the Corporation or (with the consent of the owner or owners) any other building or premises provide or arrange on such terms and conditions as they may think fit for the provision of floodlights flashlights or other illuminations and may for such purposes provide fit up maintain and operate all such lamps fittings and apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith.

Power to
provide
illuminations
flood lighting
&c.

39.—(1) The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

Dwelling-houses
for persons in
Corporation's
employment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

40. Every person in charge of a dog in any street and having the dog on a lead who allows or permits such dog to deposit its excrement upon a public pavement or footway shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Nuisance by
dogs.

41.—(1) The Corporation may pay to the provost of the burgh for entertainment and other incidental expenses arising out of his duties such sum not exceeding two hundred and fifty pounds in any one year as the Corporation may deem appropriate and shall charge the amount on the consolidated rate.

Allowance to
provost.

(2) The powers conferred on the Corporation by this section shall not be exercised with respect to any year if there is free surplus on revenue account in that year available in the common good to meet such expenses.

42. In the application in the burgh of the Public Health (Scotland) Act 1897 the definition of the expression "common lodging-house" in section 3 of that Act shall notwithstanding anything contained in section 89 of that Act be read and have effect as if the words "one shilling" were substituted for the word "fourpence" occurring in

Amending
Public Health
(Scotland)
Act 1897 as to
common
lodging-houses.

PART VI.
—cont.

that definition Provided that the sum of one shilling hereby substituted may on the application of the Corporation be altered or varied by the Department of Health for Scotland but so as not to exceed one shilling.

Byelaws as to
loud-speakers.

43.—(1) The Corporation may make byelaws for regulating and controlling the use of loud-speakers gramophones and any other devices for the reproduction and amplification of sound (in this section referred to as "loud-speakers") used in such manner as to be audible in any street to the annoyance of the lieges or if they think fit for prohibiting the use in such a manner as to be audible in any street of loud-speakers for advertising purposes.

(2) Sections 317 or 323 of the Burgh Police (Scotland) Act 1892 shall extend and apply to any byelaws that may be made by the Corporation under the provisions of this section.

(3) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any loud-speakers gramophones or any other devices used in any cinematograph theatre in connection with the entertainment provided thereat or the business carried on therein.

Recovery of
penalties.

44. 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.

Costs of
Order.

45. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed by them under this Order for that purpose.

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