

ELIZABETH II



1967 CHAPTER V

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Edinburgh Corporation. [10th May 1967]

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 1936, and it is requisite that the said order should be confirmed by Parliament: 1936 c. 52.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the Edinburgh Corporation Order Confirmation Act 1967. Short title.

SCHEDULE

EDINBURGH CORPORATION

Provisional Order to consolidate with amendments the Acts and Orders relating to the Corporation of the city of Edinburgh (other than the Acts and Orders of the Corporation relating to their water undertaking) and to confer further powers on them with respect to their various undertakings and services and to the municipal government and administration of the city; to consolidate with amendments the provisions of the Edinburgh Corporation Order 1964 relative to the Edinburgh Sheriff Court House Commissioners; and for other purposes.

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

And whereas the Acts and Orders relating to the Corporation are numerous and in many cases have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders (other than the Acts and Orders relating to the water undertaking of the Corporation) as it is expedient to retain were consolidated with certain additions and amendments:

And whereas it is expedient at the same time to extend, as provided in this Order, the powers of the Corporation relating to the matters comprised in those enactments:

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

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

1936, c. 52.

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

PART I

PRELIMINARY

Short title.

1. This Order may be cited as the Edinburgh Corporation Order 1967.

Commencement of Order.

2.—(1) The following provisions of this Order shall come into operation on the date of the passing of the Act confirming this Order:—

Part II (General administration):

Section 510 (Completion of title in certain circumstances to land acquired compulsorily):

Section 525 (Reserve fund for British Commonwealth Games):

Section 526 (Investment of capital, reserve, etc. funds):

Section 529 (Power to borrow by means of promissory notes):

Section 534 (As to application of section 132 of Act of 1948):

- Section 536 (As to fees, etc., recovered by town clerk):
Section 537 (Payment of accounts of Corporation):
Part XXXIV (Superannuation):
Part XXXV (Trusts and endowments):
Section 607 (Extension of permitted hours for sale of excisable
liquor in Lyceum Theatre) and
Section 619 (As to notice to quit Corporation dwellinghouses):

Provided that the dwellinghouses Nos. 75 and 77 Mountcastle Drive North which, in consequence of the provisions of head A (City, ward and parish boundaries) of Part II (General administration) of this Order, cease to form part of the XXI (Craigentiny) Ward and become part of the XXII (Portobello) Ward shall, for election purposes, continue to form part of the XXI (Craigentiny) Ward until 15th February, 1968.

(2) Head D (Financial provisions) of Part XXXVI (Sheriff court house) of this Order shall come into operation on 16th May, 1968.

(3) Except as provided in the preceding subsections, the provisions of this Order shall come into operation on 29th May, 1968, and any reference therein to "the commencement of this Order" shall be construed as a reference to that date.

(4) At any time after the passing of the Act confirming this Order and before the commencement of this Order or any of the provisions thereof—

- (a) the Corporation may refer or delegate any of their functions under this Order to committees in pursuance of section 115 of the Act of 1947; and
(b) applications for any consents or authorisations under this Order may be made and determined, and the provisions of this Order with respect to fees or charges in respect thereof shall have effect in relation to such applications.

3.—(1) Unless there is something in the subject or context inconsistent Interpretation. with, or repugnant to, such construction, the following words and expressions in this Order have the meanings hereby respectively assigned to them:—

"acquire", in relation to movable property, includes acquisition by purchase or otherwise, and in relation to heritable property, includes acquisition by way of purchase, feu, lease or excambion;

"Act of 1897" means the Public Health (Scotland) Act, 1897; 1897, c. 38.

"Act of 1946" means the Water (Scotland) Act, 1946; 1946, c. 42.

"Act of 1947" means the Local Government (Scotland) Act, 1947; 1947, c. 43.

"Act of 1948" means the Local Government Act, 1948; 1948, c. 26.

"Act of 1950" means the Public Utilities Street Works Act, 1950; 1950, c. 39.

"Act of 1951" means the Rivers (Prevention of Pollution) (Scotland) Act, 1951; 1951, c. 66.

"Act of 1959" means the Building (Scotland) Act, 1959; 1959, c. 24.

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1960, c. 16.

1965, c. 13.

1949, c. 67.

1882, c. 56.

“ Act of 1960 ” means the Road Traffic Act, 1960;

“ Act of 1965 ” means the Rivers (Prevention of Pollution) (Scotland) Act 1965;

“ aerodrome ” means an aerodrome licensed pursuant to an order made under the Civil Aviation Act, 1949;

“ apparatus ” in relation to the electricity board, means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882), belonging to the said board; and, in relation to the gas board, means mains, pipes or other apparatus belonging to or maintained by that board; and in relation to each of the said boards, includes works constructed for the housing of apparatus therein;

“ art galleries ” means any art galleries provided by the Corporation under the powers of this Order;

“ authorisation ” includes any licence, certificate, permit or registration;

“ authorised officer ” means an officer of the Corporation authorised by them, either generally or specially, to act in matters of any specified kind, or in any specified matter;

“ authorised taxi-cab stance ” means a stance for taxi-cabs appointed in pursuance of section 396 (Taxi-cab stances) of this Order;

“ baths ” means the baths provided by the Corporation under the powers of this Order;

“ bed ”, in relation to a river, includes the channel of the river;

“ bin ” includes any receptacle of whatever type, size or construction;

“ boat ” includes any rowing, sailing or motor boat;

“ broker ” means any person who deals by way of trade in second-hand goods, other than—

(a) a person whose sole or principal business is that of a dealer in—

(i) books; or

(ii) motor vehicles and accessories; or

(iii) goods bona fide forfeited under the Pawnbrokers Act, 1872; and

1872, c. 93.

(b) a wholesale dealer in rags, ropes and waste, purchasing only from licensed brokers or in quantities of not less than 10 cwts.;

“ broker’s licence ” means a licence under section 382 (Licensing of brokers) of this Order;

“ building ” (other than for the purposes of head A (Gas indication plates) of Part XVI (Fire precautions) of this Order) includes any structure or erection of whatsoever kind or nature, whether temporary or permanent, or any part thereof;

“ building line ” means a frontage line in relation to either side of a street beyond which no building may be constructed or brought forward nearer to the centre line of the street without consent;

- “carriageway” means the part of the street between the footways on either side thereof, or between the adjoining lands or buildings where there is not a footway, and used or intended to be used for the passage of vehicles;
- “cattle market” means the cattle market provided by the Corporation under the powers of this Order;
- “cellar” includes any vault, arch, chamber or other similar structure;
- “cinematograph licence” means a licence granted under the Cinematograph Acts, 1909 and 1952;
- “city” means the city and royal burgh of Edinburgh;
- “city assessor” means the assessor for the city appointed in pursuance of the Valuation and Rating (Scotland) Act, 1956; 1956, c. 60.
- “city chamberlain” means the city chamberlain of the city;
- “city engineer” means the city engineer of the city;
- “city map” means the map of the city and of the wards of the city kept by the town clerk in pursuance of section 7 (City map) of this Order;
- “common good” means the common good of the city;
- “common lodging-house” has the meaning assigned to it by paragraph (a) of section 90 (As to application of Part V of Act of 1897) of this Order;
- “common stair” (other than for the purposes of Part XX (Lighting) of this Order) means any stair or passage in a building leading to parts thereof separately occupied;
- “constable” means any constable (as defined by the Police (Scotland) Act, 1956) being a member of the police force of 1956, c. 26. the city;
- “construct” includes alter, erect, extend and fit, and “construction” shall be construed accordingly;
- “contravention” in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;
- “convener of trades” means the person elected to the office of convener of trades by the convenery in the city;
- “Corporation” means the Corporation of the city;
- “court” where by the context it applies to a space contiguous to buildings means a court or recess or area forming a common access to premises separately occupied, including any common passage or entrance thereto;
- “dean of guild court” has the meaning assigned to “court” by section 146 (Definitions for Part XIV) of this Order;
- “dispose of”, in relation to movable property, includes exchanging and selling, and in relation to heritable property, includes selling, feuing, leasing and excambing;
- “dock commission” means the commissioners for the harbour and docks of Leith and, in the event of any body being constituted by a harbour re-organisation scheme made

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1964, c. 40.

(whether before or after the commencement of this Order) in pursuance of the Harbours Act 1964, to which the statutory powers and duties of the said commissioners are transferred, references to the dock commission shall be construed as references to such body;

“ drain ” in relation to a building, means any pipe forming part of the drainage system of that building and which is either—

(a) wholly below ground; or

(b) a continuation, in the direction of flow, of part of a drainage system that has been below ground;

“ dwellinghouse ” and “ house ” mean a house used or constructed or adapted to be used, wholly or principally, for human habitation;

“ electricity board ” means the South of Scotland Electricity Board;

“ enactment ” includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act of Parliament;

1961, c. 34.

“ factory ” has the meaning assigned to it by section 175 of the Factories Act, 1961;

“ farmed-out house ” has the meaning assigned to it by section 72 of the Act of 1897, as amended in its application to the Corporation and to the city by section 92 (As to application of section 72 of Act of 1897) of this Order, and “ keeper of a farmed-out house ” means the owner, tenant, sub-tenant or other person having or acting in the care or management of a farmed-out house;

“ financial year ” means the financial year of the Corporation;

1947, c. 41.

“ fire brigade ” means the fire brigade maintained in pursuance of the Fire Services Act, 1947, by the fire authority in whose area the city is situated;

“ firemaster ” means the chief officer of the fire brigade;

“ footpath ” means any way or path (other than a footway) open to be used by the public for passage on foot only and includes the Joppa-Seafield and the Granton-Cramond promenades;

“ footway ” means the footway (however formed or constructed) forming the part of the street between the carriageway and the adjoining lands or buildings;

“ foul water ” includes soil water, trade effluent and waste water;

“ fried-fish shop ” means any premises used solely or principally for the preparation, cooking and sale of fish, potatoes, or other similar commodities where quantities of heated or boiling fat or oil are used for the purpose of such preparation and cooking;

“ fronting ” includes abutting on, and “ front ” and “ frontage ” shall be construed accordingly;

“ functions ” includes powers and duties;

“ gas board ” means the Scottish Gas Board;

- “ general reserve fund ” means the fund maintained by the Corporation in pursuance of section 523 (General reserve fund) of this Order;
- “ golf courses ” means the golf courses of the Corporation at Carrick Knowe, Craigentenny and Silverknowes, and any other golf courses provided by the Corporation under the powers of section 58 (Power to provide golf courses) of this Order;
- “ Granton harbour ” means that part of the city comprehended within a line drawn from a point at the northern extremity of the eastern breakwater south-eastwards and southwards along the line of low-water mark on the eastern side of the said breakwater to low-water mark on the foreshore, thence south-eastwards in a straight line to a point (having the National Grid Reference NT 2413376999) on the north side of Lower Granton Road approximately 17 yards east of the junction of that road with the west side of Wardie Square thence generally north-westwards along the northern sides of Lower Granton Road, Granton Square, West Harbour Road and the road in continuation thereof south-westwards known as West Shore Road to a point (having the National Grid Reference NT 2266577360) approximately 90 yards westwards of a point on the said road opposite the north-east entrance to Caroline Park, thence north-westwards in a straight line for a distance of approximately 123 yards to the eastmost point of Megmillar taken at low water (National Grid Reference NT 2264477474), thence generally eastwards and north-eastwards to and along the line of low-water mark to the point first mentioned, together with all docks, quays, piers and other works within the aforesaid limits;
- “ halls ” has the meaning assigned to it by section 31 (Definition for Part IV) of this Order;
- “ harbour and docks of Leith ” has the meaning assigned to “ harbour and docks ” by section 6 of the Leith Harbour and Docks Consolidation Order, 1935;
- “ high-water mark ” means the level of mean high-water springs;
- “ hotel ” means an hotel as defined by head (a) of the definition of “ hotel ” in section 199 of the Licensing (Scotland) Act, 1959, c. 51. 1959;
- “ in ” in a context referring to apparatus of the Postmaster General or statutory undertakers in a street or other land, includes a reference to apparatus under, over, across, along or upon it;
- “ laundries ” means the laundries provided by the Corporation under the powers of this Order;
- “ Lauriston Castle ” means Lauriston Castle, Davidson’s Mains, and includes the articles and objects in, and the lands of, Lauriston Castle;
- “ Leith wards ” means the Wards XVIII (West Leith), XIX (Central Leith) and XX (South Leith);

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- “libraries” means the libraries provided by the Corporation under the powers of this Order;
- “libraries and museums committee” means the committee appointed in pursuance of section 35 (Appointment of libraries and museums committee) of this Order;
- “lord dean of guild” means the person elected to the office of lord dean of guild by the guild brethren in the city;
- “lord provost” means the lord provost of the city;
- “loudspeaker” means any device for the reproduction and amplification of sound;
- “low-water mark” means the level of mean low-water springs;
- “maintenance” includes repair, and “maintain” shall be construed accordingly;
- “markets” means the markets provided by the Corporation under the powers of this Order;
- “master of works” means the person holding the office of master of works for the city in pursuance of section 21 of the Act of 1959;
- “medical officer” means the medical officer of health of the city;
- “motor vehicle” has the meaning assigned to it by section 253 (1) of the Act of 1960;
- “museums” means Huntly House, Lady Stair’s House, the Museum of Childhood, Canongate Tolbooth and any other museum provided by the Corporation under the powers of section 42 (Power to provide museums) of this Order;
- “net annual value” means the net annual value as shown in the valuation roll;
- “new street” means any street the construction of which is authorised after the commencement of this Order;
- “new street order” means an order authorising the construction of a new street made by the Corporation under section 249 (Disposal of new street applications) of this Order;
- “notice” means a notice in writing;
- “occupier” includes the actual occupier or tenant or sub-tenant;
- “Offices Act” means the Offices, Shops and Railways Premises Act, 1963;
- “operational land”, in relation to any statutory undertakers, means land of those undertakers which is operational land within the meaning of the Planning Act;

“owner”, in relation to any land or building, includes joint owner, fiar, liferenter, feuar, bondholder in possession or other person in actual possession of, or entitled to receive the rents of, such land or building, and the factor, agent or commissioner of such persons or any of them, and any other person who shall intromit with, or draw, the rents of such land or building;

“parks” means the parks provided by the Corporation under the powers of this Order;

“paving” includes all methods of making a carriageway or footway;

“pawnbroker” has the same meaning as in the Pawnbrokers Act, 1872;

1872, c. 93.

“place of public entertainment” has the meaning assigned to it by section 363 (Definition for head A of Part XXIV) of this Order;

“place of public refreshment” means premises to which the public is admitted for the purchase and consumption therein of refreshments;

“Planning Act” means the Town and Country Planning (Scotland) Act, 1947, and “Planning Acts” means the Town and Country Planning (Scotland) Acts, 1947 to 1966;

1947, c. 53.

“pleasure ground” includes ornamental and garden ground;

“premises” includes any building, shed, tent, garden, shrubbery, yard, court, close and houseboat;

“premises licensed for entertainment” means premises in respect of which a cinematograph licence, a public entertainment licence, or a public show permit, is in force;

“private sewer” means a sewer other than a public sewer;

“private street” means a street other than a public street;

“public building” means any building used or intended to be used as a place of public meeting, or as a place of public entertainment, or for holding large numbers of persons for any purpose whatsoever;

“public conveniences” includes waiting-rooms, cloak-rooms and other similar accommodation for the use of the public;

“public entertainment licence” means a licence under section 364 (Places of public entertainment to be licensed) of this Order;

“Public Health Acts” means the Act of 1897, and any Acts amending or extending the same;

“public place” means any place (whether a thoroughfare or not) to which the public has unrestricted access, and includes—

(i) the doorways or entrances of premises abutting on any such place; and

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(ii) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately occupied houses;

“public service vehicle” has the same meaning as in the Act of 1960;

“public sewer” has the meaning assigned to it by section 301 (General duty of Corporation to provide for drainage of city) of this Order, but does not include the sewers referred to in section 333 (Definitions for Part XXII) of this Order;

“public show” has the meaning assigned to it by section 369 (Definition for head B of Part XXIV) of this Order;

“public show permit” means a permit under section 370 (Public shows not to be opened or set up without permit) of this Order;

“public street” means any street or part thereof which is wholly maintained by the Corporation at the commencement of this Order or of which the Corporation may undertake the maintenance after the commencement of this Order;

“railways board” means the British Railways Board;

“Railways Clauses Act” means the Railways Clauses Consolidation (Scotland) Act, 1845;

1845, c. 33.

“reasonably practicable” means reasonably practicable in all the circumstances, including, in any case where works are involved, the expense of executing the works;

“refreshment” means foodstuffs and beverages of any kind but does not include excisable liquor;

“repealed Acts” means the provisions of the Acts and Orders which are repealed by this Order, or which were repealed by any local Act or Order applicable to the city at any time before the commencement of this Order;

“river” means—

(i) the Bavelaw Burn below a point opposite the upper end of the old Malleny Mills Bleach Work; and

(ii) the Water of Leith from its confluence with the Bavelaw Burn to a point 100 yards below the centre of the bridge carrying Bowling Green Street across the Water of Leith, and includes the tributaries of the Water of Leith below that confluence;

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

“Scott monument” means the monument to Sir Walter Scott of Abbotsford in East Princes Street Gardens, and includes the museum established therein;

“seashore” includes all parts of the beach or shore above and below high-water mark and (where a promenade or esplanade exists) between the promenade or esplanade and low-water mark;

- “sheriff” means the sheriff of the Lothians and Peebles and, except for the purposes of Part XXXVI (Sheriff court house) of this Order, includes his substitutes;
- “Sheriff Courts Acts” means the Sheriff Courts (Scotland) Acts, 1907 to 1939;
- “soil pipe” means a pipe for conveying soil water to a drain;
- “soil water” means water containing excreted matter, whether human or animal;
- “statutory meeting of the Corporation” means the meeting of the Corporation held in pursuance of section 31 of the Act of 1947;
- “statutory undertakers” has the same meaning as in the Planning Act;
- “street” (other than for the purposes of Part XXI (Sewers and drains) of this Order) means any highway, road, bridge, square, lane, footpath (not being or forming part of an aerodrome, harbour, dock, quay, wharf or canal, or a station or depot of the railways board or operators of public service vehicles) or any part thereof open to be used by the public and whether it is a thoroughfare or not;
- “street works” means any works for the sewerage, levelling, paving and making good of a street;
- “summary conviction” means conviction by a court of summary jurisdiction;
- “Summary Jurisdiction Act” means the Summary Jurisdiction (Scotland) Act, 1954; 1954, c. 48.
- “taxi-cab” and “licensed taxi-cab” have the meanings respectively assigned to them by section 388 (Definitions for head F of Part XXIV) of this Order;
- “Telegraph Act” means the Telegraph Act, 1878, and “Telegraph Acts” means the Telegraph Acts, 1863 to 1962; 1878, c. 76.
- “telegraphic line” has the same meaning as in the Telegraph Act;
- “tenement” means a building constructed in flats or storeys and containing two or more dwellinghouses in separate occupation;
- “tidal work” means so much of any work or part thereof as is on, under or over tidal waters or tidal lands below high-water mark;
- “town clerk” means the town clerk of the city;
- “trade effluent” means any liquid, either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade, industry or research carried on at premises used, or intended to be used, for carrying on such trade, industry or research;
- “undertaking” in relation to any of the undertakings or departments of the Corporation, includes all lands, buildings,

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works, vehicles, apparatus, appliances, machinery, plant and materials held by the Corporation for the purpose of such undertaking or department, and all servitudes, wayleaves, rights, powers and privileges connected therewith;

“unlawfully obtained” in relation to any money or article means any money or article obtained by theft, embezzlement or fraud;

1956, c. 60.

“Valuation Acts” has the meaning assigned to it by section 43 of the Valuation and Rating (Scotland) Act, 1956;

“voluntary organisation” means any body of persons, whether corporate or unincorporate, carrying on or proposing to carry on an undertaking otherwise than for profit;

“waste pipe” means a pipe for conveying waste water to a drain;

“waste water” means used water other than soil water or trade effluent;

“waterways board” means the British Waterways Board; and

“width” in relation to a street means the width of the carriageway and footways taken together.

(2) In the application of the Act of 1947 to the Corporation and to the city the following words and expressions where used in that Act shall have the meanings hereby respectively assigned to them:—

“burgh” means the city;

“burgh collector” means the city collector;

“burgh prosecutor” means the city prosecutor;

“burgh rate” means the city rate;

“town chamberlain” means the city chamberlain; and

“town council” means the Corporation.

(3) Terms, words and expressions to which meanings are assigned by any public Act applicable to or affecting the municipal government and administration of the city, or any of the undertakings of the Corporation, shall, subject to the provisions of this Order, and unless there is something in the subject or context inconsistent with, or repugnant to, such construction, have the same respective meanings in the provisions of this Order in which such terms, words and expressions are used.

(4) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Order.

(5) Any reference in any enactment to the Edinburgh Corporation Acts or to the Edinburgh Municipal and Police Acts (other than a reference relating to the water undertaking of the Corporation) shall be deemed to be a reference to this Order.

Limits of
Order.

4. Subject to the provisions of Part XXII (Water of Leith) and Part XXXVI (Sheriff court house) of this Order, and except where otherwise provided, or where the context otherwise requires, the provisions of this Order shall apply only to the city.

PART II

GENERAL ADMINISTRATION

A. City, ward and parish boundaries

5.—(1) The city shall comprehend the area comprised within the boundaries described in Schedule 1 to this Order: Boundaries of city and city parish.

Provided that any works within the area enclosed by the eastern and western breakwaters of Granton Harbour and a straight line drawn between the seaward ends of the said breakwaters shall be deemed to be within the city.

(2) The city parish of Edinburgh shall comprehend the city.

6.—(1) Unless and until otherwise determined, the city shall continue to be divided into twenty-three wards, the numbers and names of which are respectively specified in Schedule 2 to this Order. Division of city into wards.

(2) Each ward shall consist of the portion of the city comprehended within the line described in relation to such ward in Schedule 2 to this Order.

7.—(1) A map showing the boundaries of the city and of the wards of the city signed by Ian MacArthur, Chairman of the Commissioners to whom this Order was referred, shall be kept by the town clerk. City map.

(2) If there is any discrepancy between the city map and the descriptions in Schedules 1 or 2 to this Order the city map shall be deemed to be correct and shall prevail, except so far as relating to so much of the boundaries described in the said schedules as follow the line of low-water mark, in respect of which part of the said boundaries the said descriptions shall prevail.

B. County of the city of Edinburgh

8.—(1) The city shall continue to be a county of a city by the name of "the county of the city of Edinburgh". County of the city of Edinburgh.

(2) All existing charters, enactments, jurisdictions, rights, powers, privileges and authorities applicable in the city shall continue to be applicable within the county of the city of Edinburgh.

(3) The expenditure reasonably incurred by the clerk of the lieutenancy shall be paid out of the burgh fund.

(4) Nothing in this section shall affect the right of justices of the peace for the county of Midlothian to hold courts and meetings within the city.

C. Constitution and quorum of Corporation

9.—(1) The number of town councillors shall be sixty-nine, being three for each ward of the city. Constitution of Corporation.

(2) The Corporation shall consist of the town councillors together with the lord dean of guild and the convener of trades.

PART II
—cont.Quorum of
Corporation.Number of
magistrates.

10. A quorum of the Corporation shall be twenty-eight town councillors.

D. Magistrates

11.—(1) The number of town councillors to be elected magistrates shall be eleven, of whom one shall be lord provost and ten shall be bailies.

(2) Where in the constitution of any trust or governing body a less number of bailies than ten are appointed trustees, or members of such body, as the case may be, the bailies in order of seniority shall, to the number therein prescribed, be deemed to be the corresponding number appointed.

*E. Deputy chairman of Corporation*Deputy
chairman of
Corporation.

12.—(1) Notwithstanding anything in the Act of 1947 the Corporation shall annually, at the statutory meeting of the Corporation, appoint a town councillor to be deputy chairman.

(2) In the absence of the lord provost the deputy chairman, if present, shall preside at all meetings of the Corporation, and when so presiding shall have all the rights, powers and privileges of a chairman of a meeting of the Corporation, and in its application to the Corporation paragraph 4 (2) of Part II of the Third Schedule to the Act of 1947 shall be read and have effect accordingly.

*F. Filling casual vacancies among town councillors*Filling casual
vacancies
among town
councillors.

13.—(1) Any casual vacancy occurring in the office of a town councillor (other than a vacancy occurring within three months before the first date for the issue of the notice of election in respect of the next ensuing annual election of town councillors) shall, subject as hereinafter provided in this subsection, be filled by the electors of the ward of which such councillor was a representative at an election (hereinafter in this section referred to as "a bye-election") which shall be conducted in the same manner as the annual election of town councillors except that—

- (a) the town clerk shall, as soon as conveniently may be after the occurrence of the vacancy, give notice of such vacancy by advertisement;
- (b) the nominations of candidates by the electors of the ward shall be lodged with the town clerk not later than 4 p.m. on the sixth day after the publication of the notice of the vacancy;
- (c) a nomination shall not be withdrawn after 4 p.m. on the ninth day after the publication of the notice of the vacancy;
- (d) if the number of persons nominated and not subsequently withdrawn does not exceed one that person shall be held to be duly elected to fill the vacancy on the expiration of the period for lodging nominations or withdrawals, as the case may be; and

(e) if the number of persons nominated and not subsequently withdrawn exceeds one the bye-election shall take place on a day appointed by the Corporation of which notice shall be given by advertisement, but shall not take place sooner than the sixth day after the publication of such notice.

(2) The person elected to fill any such vacancy shall hold office as a town councillor for the period during which the town councillor vacating such office might lawfully have held it.

(3) In the case of any casual vacancy occurring—

(a) by reason of any town councillor resigning his office and intimating that he desires his resignation to take effect at the date of the next ensuing annual election of town councillors (which any town councillor resigning his office may do); or

(b) within three months of the first date for the issue of the notice of election in respect of the next ensuing annual election of town councillors;

the vacancy shall be filled up at such annual election.

(4) Where in the circumstances specified in the preceding provisions of this section or for any other reason, more than one town councillor requires to be elected for the ward the following provisions shall, subject to the provisions of sections 28 (2) and 30 (2) of the Act of 1947 (which relate to the period of office of lord provost and honorary treasurer respectively), apply with respect to the duration of office and order of retiral of the members so elected for the ward:—

(a) where the number of town councillors to be elected for the ward is three, the duration of office and order of retiral of such town councillors shall be determined according to the number of votes received by them respectively, and the town councillor who received the smallest number of votes shall be first in the order of retiral, the town councillor who received the next smallest number of votes shall be second in the order of retiral, and the town councillor who received the largest number of votes shall be last in the order of retiral;

(b) where the number of town councillors to be elected for the ward is two, the duration of office and order of retiral of such town councillors shall be determined according to the number of votes received by them respectively, and the town councillor who received the larger number of votes shall hold office for the longer of the two periods referable to the respective vacancies and the town councillor who received the smaller number of votes shall hold office for the shorter of the said two periods and the period of office of the remaining town councillor shall not be affected by reason of the two other town councillors for the ward having been elected at the same time; and

(c) if there was not a contest, or if there was an equality of votes the Corporation shall decide the order of retiral by lot at a meeting to be held as soon as conveniently may be after such bye-election, or such annual election, as the case may be.

PART II
—cont.G. *Designation and powers of Corporation*Designation of
Corporation.

14.—(1) The lord provost, magistrates and council of the city may be known, called and referred to for all purposes as “ the Corporation of the City of Edinburgh ”.

(2) The Corporation shall sue and be sued in their corporate name, and service on the Corporation of all legal processes and notices shall only be effected by service on the town clerk.

Powers of
Corporation,
magistrates and
judges of police.

15. The Corporation, the lord provost, the bailies and the judges of police shall continue to have all the powers, rights and authorities which they respectively now have, whether at common law or by royal charter, enactment or otherwise.

Execution
of deeds by
Corporation.

16.—(1) Except where otherwise expressly provided in any enactment, including this Order, a deed to which the Corporation is a party shall be validly executed on their behalf if it is signed by a member of the Corporation and by the town clerk without the necessity of—

- (i) being sealed with the common seal; or
- (ii) the signatures being attested by witnesses.

(2) In the case of a deed exceeding one page the signature of the member of the Corporation shall be necessary on the last page only.

H.—*Vesting of property*Vesting of
property in
Corporation.

17.—(1) Subject to the provisions of this Order all property of every description (whether heritable or movable, corporeal or incorporeal), vested in the Corporation at the date of the passing of the Act confirming this Order (including any heritable property to which they have right but to which they have not completed a title), shall continue vested in the Corporation.

(2) Any property vested in the Corporation under the repealed Acts or under any other enactment in force at the time of such vesting shall continue vested in the Corporation without the necessity of recording in the register of sasines any conveyance or notice of title or other deed, but for the purpose of enabling the Corporation to complete a title to any such property, this Order or such enactment and 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.

I. *Municipal buildings*City chambers
and other
administrative
buildings.

18.—(1) The city chambers, and all other buildings used for administrative purposes at the date of the passing of the Act confirming this Order, shall be deemed to have been provided under section 74 of the Act of 1947 (which empowers local authorities to provide halls, offices and other buildings for the transaction of their business), and that section shall, so far as applicable, apply in relation to the city chambers and to all such buildings accordingly.

(2) The Corporation may let any parts of the city chambers or such other buildings or may grant the use thereof, with or without charge, to any person or voluntary organisation.

PART II
—cont.

J. Records, registers, documents, insignia, etc.

19. The Corporation may preserve, arrange, index, classify and publish any records, deeds and other documents of, or relating to, the city, or extracts from them.

Preservation
and publication
of records.

20.—(1) Any of the registers authorised or required to be kept by or on behalf of the Corporation in pursuance of any enactment, including this Order, may be kept in loose-leaf form, and an extract from any such register so kept, signed by the town clerk or other authorised officer, shall be received in evidence without further proof.

Loose-leaf
registers and
photographic
and other
reproductions
of registers.

(2) (a) The Corporation may make reproductions of any of the registers referred to in the preceding subsection by photography, xerography or any other convenient process.

(b) Any such reproduction, authenticated by the town clerk or other authorised officer, shall be as valid and effective for all purposes as an extract from the original register.

(c) Where any duty is imposed on the Corporation or any officer of the Corporation by any enactment, including this Order, to make any of the registers so reproduced available for public inspection the making available of a reproduction of such register authorised by paragraph (a) of this subsection covering the appropriate period shall be a sufficient discharge of such duty.

(3) This section shall, with any necessary adaptations, apply in relation to the registers authorised or required to be kept by or on behalf of the burgh licensing court in pursuance of any enactment.

21. The Corporation may enter into agreements with the owners of documents, books or papers of historic or other interest for the custody and exhibition by the Corporation of such documents, books or papers.

Custody of
ancient
documents.

22. The Corporation may from time to time arrange for the printing of this Order and any other enactments, byelaws and regulations applicable to the Corporation or to the city in the form in which they will be in force on and after such printing, and may publish and sell copies thereof.

Printing of
city Acts, etc.

23.—(1) The Corporation may provide and maintain robes and insignia of office for the use of the lord provost, the bailies, the honorary treasurer and the town councillors, and robes of office for the use of the lord dean of guild and the convener of trades.

Robes and
insignia.

(2) All such robes and insignia shall remain the property of the Corporation.

PART III

OFFICERS AND SERVANTS

City engineer.

24. The Corporation shall appoint an officer, who shall be a chartered civil engineer, to be city engineer.

Permanent staff.

25.—(1) Except as otherwise provided in any enactment the Corporation shall fix the number and grades of the persons to be employed on the permanent staff of the Corporation.

(2) (a) Except as the Corporation may otherwise determine, and subject to the provisions of any enactment, the head of any department shall be entitled to appoint, suspend and dismiss the staff of such department.

(b) Any person so dismissed may appeal to the Corporation.

General power to appoint depute or interim officers.

26. Section 93 of the Act of 1947 (which relates to the appointment of certain depute or interim officers) shall, subject to the provisions of any enactment and with any necessary adaptations, extend and apply with respect to any other officers (being heads of departments) appointed by the Corporation under section 92 of the Act of 1947 (which empowers a town council to appoint any officers necessary for the efficient discharge of their functions):

Provided that, in the case of the appointment of a depute to any of such other officers, the Corporation may themselves appoint such depute.

Transfer of duties of officers.

27. Except as otherwise provided in any enactment the Corporation may at any time transfer from any of their officers to any other of their officers such duties as they consider more appropriate to the office of such other officer.

Dwellinghouses for employees.

28. The Corporation may construct or acquire dwellinghouses for any of their employees.

Recreational and other facilities for employees.

29. The Corporation may provide and maintain, or contribute to the expense of the provision and maintenance of, recreational, social and welfare facilities for their employees, and for such purposes they may construct any necessary premises and make reasonable charges for their use.

Employees to return uniform, etc., on leaving employment.

30.—(1) Every employee of the Corporation to whom any clothing, accoutrements or equipment have been issued for the purposes of his employment shall, on the termination of his employment, forthwith return all such clothing, accoutrements and equipment to the head of the department of the Corporation to which he has been attached, or to such person and at such time and place as such head of department shall direct.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

PART IV

HALLS

31. In this Part of this Order—

Definition
for Part IV.

“ halls ” means—

(i) the Waverley Market, the Music Hall, the Assembly Rooms, the Usher Hall, the Gorgie War Memorial Hall, the Portobello Town Hall, the Leith Town Hall and the Gilmerton Society Hall;

(ii) the Leith Municipal Buildings (so far as not occupied for other purposes); and

(iii) any other halls provided by the Corporation for public meetings and assemblies.

32.—(1) The Corporation may provide halls for public meetings and assemblies. Power to provide halls.

(2) The Corporation may provide offices, shops, studios and other premises in or in connection with any of the halls and may let any of such offices, shops, studios and other premises.

33. The Corporation may—

Use of halls.

(a) themselves use any of the halls for—

(i) concerts and recitals;

(ii) carnivals, exhibitions, boxing or wrestling matches and other entertainments; and

(iii) public meetings, civic functions and other purposes;

and may make reasonable charges for admission to any of the halls or any part of the halls while being so used, or allow admission free of charge; and

(b) grant authority to any person or voluntary organisation to use any of the halls for any of the purposes specified in the preceding sub-paragraph and authorise such person to make reasonable charges for admission to any such hall or any part of any such hall.

PART V

LIBRARIES, MUSEUMS AND ART GALLERIES, ETC.

A. Definitions for Part V

34. In this Part of this Order—

Definitions
for Part V.

“ article ” in relation to the libraries includes—

(a) any book, periodical or other literature;

(b) any picture, engraving, map, photograph, film strip or lantern slide;

(c) any gramophone, tape or other record; and

(d) any other article appropriate to the libraries;

PART V
—cont.
1887, c. 42.

“former libraries committee” means the committee for the city appointed in pursuance of section 18 of the Public Libraries Consolidation (Scotland) Act, 1887, as existing before 29th May, 1954;

“trust deed” means the testamentary settlement of the late Mr. and Mrs. W. R. Reid and memorandum by them, both dated 1st February, 1915, and five codicils by Mrs. Reid dated 5th April, 1921, and subsequent dates and registered in the Books of Council and Session on 8th January, 1926; and

“works of art” includes statuary, casts, models, paintings, pictures, engravings and specimens.

B. *Libraries and museums committee*

Appointment
of libraries
and museums
committee.

35.—(1) The Corporation shall have a committee (which shall be known as the “libraries and museums committee”) for the purpose of their functions under this Part of this Order.

(2) (a) The libraries and museums committee shall, to the extent of not less than one-third or more than one-half, consist of persons other than members of the Corporation.

(b) The chairman of the libraries and museums committee shall be a member of, and appointed by, the Corporation.

(3) Subject to the standing orders of the Corporation applicable for the time being, and notwithstanding anything in any enactment or in the trust deed, the functions of the Corporation under this Part of this Order shall stand referred, or be delegated, as the case may be, to the libraries and museums committee.

(4) Notwithstanding anything in the Act of 1947, members of the libraries and museums committee who are not members of the Corporation shall be eligible for appointment to membership of any sub-committee appointed by the libraries and museums committee.

References to
former
libraries
committee to
be references
to Corporation.

36.—(1) Any reference in any enactment, deed or other document to the former libraries committee, or to members or to officers of the former libraries committee, shall be construed as a reference to the Corporation, or to members of the Corporation, or to officers of the Corporation, as the case may be.

(2) Any reference to the chairman or other member of the former libraries committee in the constitution of any trust or other body, whether corporate or not, shall be construed as a reference to a member of the libraries and museums committee appointed by the Corporation.

C. *Libraries*

Power to
provide
libraries.

37.—(1) The Corporation may provide libraries (including reading rooms and mobile libraries) and may provide such equipment and articles, and do such other things, as they consider expedient for furthering the utility of, and interest in, the libraries.

(2) (a) The Corporation may lend out any of the articles in any of the libraries (other than articles provided for reference only).

(b) The persons who shall be entitled, subject to the provisions of this Order, to borrow any of such articles shall be—

- (i) persons residing in the city;
- (ii) persons residing outwith the city who are ratepayers in the city; and
- (iii) persons residing outwith the city who are employed in the city, or are attending a university, college, central institution or school in the city:

Provided that the Corporation may lend any of such articles to any other person subject to such conditions as they may prescribe.

38. The Corporation may dispose of any articles which they consider to be no longer appropriate to the libraries.

Disposal of surplus articles in libraries.

39.—(1) Notwithstanding anything in this Part of this Order, the Corporation may—

Charges, etc., in connection with certain articles borrowed from libraries.

(a) prescribe a period within which any article borrowed from any of the libraries must be returned thereto, and exact penalties for the retention by borrowers of any article beyond such period; and

(b) require any person to whom any article, other than a book or periodical, is lent to deposit with them such sum as they may prescribe as security for the safe return of such article.

(2) A person from whom any penalty under the preceding subsection is due or who retains any article after the expiration of any period prescribed by the Corporation shall not be entitled to borrow any other article from any of the libraries until such penalty has been paid, or such article returned, as the case may be.

(3) Where any person habitually fails to return within the prescribed period any article borrowed by him from any of the libraries the Corporation may prohibit such person from borrowing any article from any of the libraries for such period as they may prescribe.

40. Subject to the provisions of this Part of this Order the libraries shall be open to the public free of charge.

Libraries to be free.

41. Nothing in this head of this Part of this Order shall affect prejudicially the minute of agreement relating to the Nelson Halls between the trustees of Thomas Nelson, publisher, Edinburgh, and the Corporation and the former libraries committee, dated 13th, 16th, 19th and 22nd April, and 2nd and 27th May, 1935, which, in so far as applicable, shall continue in full force and effect.

Saving for agreement with trustees of Thomas Nelson.

D. Museums

42. The Corporation may provide museums and they may, in connection therewith—

Power to provide museums.

(a) acquire material relating to local and national history and local topography, articles belonging to, or associated with, famous citizens or persons associated with the city, articles

PART V
—cont.

of local manufacture, and other objects of interest relating to the history and social life of the city and Scotland generally in former days;

- (b) dispose of any objects in the museums of which they have a duplicate, or which they consider to be no longer appropriate to the museums;
- (c) lend any objects in the museums to any gallery, museum or exhibition;
- (d) transfer any objects in the museums to the managers of any gallery, museum or other institution in Great Britain in receipt of moneys provided by Parliament; and
- (e) do such other things as they consider expedient for furthering the utility of, and interest in, the museums.

Charges for admission to museums.

43. The Corporation may make reasonable charges for admission to the museums, or any of them, or any part of any of the museums.

Use of Lauriston Castle as a museum.

44. In addition to the powers competent to them under, and notwithstanding anything in, the trust deed, the Corporation may, in relation to Lauriston Castle, exercise the powers conferred on them by this Part of this Order in relation to the museums.

E. Art galleries

Power to provide art galleries.

45. The Corporation may provide art galleries and they may, in connection therewith—

- (a) acquire works of art;
- (b) make provision for the temporary exhibition and display of any works of art elsewhere than in the art galleries;
- (c) dispose of any works of art of which they have a duplicate, or which they consider to be no longer appropriate to the art galleries; and
- (d) do such other things as they consider expedient for furthering the utility of, and interest in, the art galleries.

F. General

Publication and sale of catalogues, etc., of articles and objects in libraries, etc.

46.—(1) The Corporation may compile, print, publish and sell catalogues of—

- (a) articles in the libraries;
- (b) objects in the museums; and
- (c) works of art in the art galleries.

(2) The Corporation may compile, print, publish and sell literature, illustrations and other printed matter relating to the city or to the libraries, museums and art galleries, and they may make and sell reproductions of objects in the museums.

47.—(1) (a) The Corporation may use, or permit to be used, any part of any library, museum, or art gallery not at the time required for its purpose as such, for lectures, exhibitions and concerts.

PART V
—cont.

Provision of lectures, etc., in libraries, etc.

(b) The Corporation may provide, or arrange for the provision of, or contribute towards the expense of, any such lectures, exhibitions or concerts, and may make, or authorise to be made, reasonable charges in connection therewith.

(2) The Corporation may provide and sell, or authorise the provision and sale of, programmes of any such lectures, exhibitions or concerts.

48.—(1) The proceeds of the disposal of—

- (a) articles in the libraries;
- (b) objects in the museums; and
- (c) works of art in the art galleries;

Proceeds of disposal of articles and objects in libraries, etc.

shall be applied for the purposes of the functions of the Corporation under this Part of this Order.

(2) The proceeds of the disposal of any objects in Lauriston Castle shall be applied for the purposes of Lauriston Castle.

49. Nothing in this Part of this Order shall affect the rights of any person under the law relating to copyright or patent.

Saving for copyright, etc., in respect of Part V.

PART VI

PARKS, ETC.

A. Parks

50.—(1) The Corporation may provide parks within, or within a reasonable distance of, the city, and they may, in or in connection with, any of the parks—

Power to provide parks.

- (a) lay out and set apart any part for the purpose of any game or recreation, or for riding or cycling, grant the use, with or without charge, of any such part to any person or voluntary organisation, and exclude the public therefrom while it is in use for any of such purposes;
- (b) construct any pond and permit the use of any pond for skating, curling and the sailing of boats and model craft;
- (c) enclose any part of any pond during frost for the protection of ice for skating;
- (d) provide apparatus and appliances for games and recreation, and make reasonable charges for their use;
- (e) provide, or contribute towards the expense of providing, music or other entertainment;

PART VI
—cont.

- (f) set apart any part as a children's playground and provide gymnastic or other apparatus and appliances therefor;
- (g) set apart any part for any other special purpose tending to promote health or enjoyment; and
- (h) provide, or grant authority to any person to provide, chairs or seats, and make, or authorise such person to make, reasonable charges for their use.

(2) The golf courses provided by the Corporation at the Braid Hills, Portobello, Sighthill, Bruntsfield Links, Inverleith and The Inch, shall be deemed to have been laid out and set apart under paragraph (a) of the preceding subsection, and head C (Golf courses) of this Part of this Order shall not apply in relation to such golf courses.

Buildings, etc.,
in parks.

51. Subject to the provisions of this head of this Part of this Order the Corporation may—

- (a) provide, or authorise the provision of, such buildings and equipment, and execute such works, as may be expedient in connection with any of the parks; and
- (b) provide in any of the parks—
 - (i) police boxes and pillars; and
 - (ii) accommodation for the use of any department of the Corporation or of employees of the Corporation.

Restrictions
on buildings
in certain
parks.

52. Subject to the provisions of this Order there shall not be constructed in any of the parks specified in the first column of the following table any buildings other than buildings of the description specified in the second column of that table in relation to such park:—

| 1 | 2 |
|--|--|
| Park | Description of buildings |
| The Meadows Bruntsfield Links Leith Links | Band-stands, public conveniences, police boxes and buildings for housing apparatus of the electricity board or the gas board. |
| Princes Street Gardens ... | Lodges for gardeners and keepers, hothouses and conservatories, monuments, band-stands, public conveniences, police boxes and buildings for housing apparatus of the electricity board or the gas board. |
| Calton Hill | Monuments, observatory, churches or other public buildings, public conveniences, police boxes and buildings for housing apparatus of the electricity board or the gas board. |

Admission to,
and use of,
buildings, etc.,
in parks.

53. The Corporation may—

- (a) make, or authorise to be made, reasonable charges for admission to any building or enclosure in any of the parks; and

(b) grant the use, with or without charge, of any building, erection or enclosure in any of the parks to any person or voluntary organisation for the purpose of entertainments or any other purpose not inconsistent with the ordinary use of such park, and authorise such person or organisation to charge for admission thereto.

PART VI
—cont.

54.—(1) The Corporation may use, or permit the use of, any of the parks or any part of any of the parks for any purpose other than a purpose for which such park may ordinarily be used:

Temporary use
of parks for
other purposes.

Provided that the periods during which any of the parks or part of any of the parks may be used for any special purpose shall not, except in the case of agricultural or horticultural shows, exceed in the whole one month in any year.

(2) The Corporation may close against the public any of the parks, or part of any of the parks, while being so used, and may make, or authorise to be made, reasonable charges for the exclusive occupation of, or for admission to, such park or part thereof.

55.—(1) Every park outwith the city shall be deemed to be within the city for the purposes of management and control, and the powers of the Corporation under this Part of this Order shall apply to any such park.

As to parks
outwith city.

- (2) Nothing in the preceding subsection shall affect prejudicially—
- (a) the jurisdiction of any court; or
 - (b) the powers of any other local authority; or
 - (c) the authority of any constable.

56. The Corporation may maintain the national monument on the Calton Hill.

Calton Hill
monument.

B. Scott monument

57.—(1) The Scott monument shall be managed and controlled by the Corporation.

Management
and control
of Scott
monument.

(2) The Corporation may make reasonable charges for admission to the Scott monument.

C. Golf courses

58.—(1) The Corporation may provide golf courses within, or within a reasonable distance of, the city.

Power to
provide golf
courses.

(2) The Corporation may provide, or authorise the provision of, such buildings and equipment, and may execute such works, as may be expedient in connection with any of the golf courses.

(3) The Corporation may—

- (a) themselves manage any of the golf courses, and make reasonable charges for the use thereof, or admission thereto; or

PART VI
—cont.

- (b) let any of the golf courses; or
- (c) grant the use, with or without charge, of any of the golf courses, or any part of any of the golf courses, or any building or equipment provided by them in connection with any of the golf courses, to any person or voluntary organisation.

D. Control of privately owned open spaces

Powers of Corporation with respect to privately owned open spaces.

59.—(1) Any open space which has been set apart for the use and enjoyment of the owners or occupiers of two or more separate properties, together with any walls or fences enclosing such open space, shall be maintained by the owners of such properties or the person in whom such open space is vested (all of whom are hereinafter in this head of this Part of this Order referred to as “owners”).

(2) (a) If any such open space is, or the walls and fences which enclose it are, not being suitably maintained, the Corporation may, by notice, require the owners to execute any works necessary for the suitable maintenance of such open space, or of any walls or fences enclosing it, as the case may be.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(3) If any person fails to comply with any requirement of a notice under the preceding subsection, the Corporation may—

- (a) execute the works required by such notice, the expense reasonably incurred in so doing to be recoverable by them from the person in default; or
- (b) resolve that such open space and any enclosing walls or fences shall be transferred to them, in which case the solum of such open space and walls or fences shall vest in the Corporation.

Transfer of management of open spaces to Corporation.

60. The Corporation may enter into agreements with the owners of any open space set apart or used as pleasure ground for the management of such open space being undertaken, temporarily or permanently, by the Corporation.

PART VII

SEASHORE

Regulation of seashore.

61. Subject to the general guardianship of the Crown under the *jus publicum* of the public rights attaching thereto, the Corporation may exercise with respect to the seashore the powers conferred on them by this Part of this Order.

Protection of bathers.

62.—(1) The Corporation may, for the protection of persons bathing—

- (a) employ boatmen and other persons; and
- (b) provide and maintain boats, or arrange for their provision and maintenance.

(2) (a) A person shall not bathe or attempt to bathe—

- (i) on or from any part of the seashore conspicuously indicated by the Corporation by means of posts, warning notices or otherwise as being dangerous for bathing; or

(ii) on or from any part of the seashore at any time during which there are conspicuously displayed, by or under the authority of the Corporation, clear indications that, owing to weather or other conditions, bathing there is dangerous.

PART VII
—cont.

(b) Any person acting in contravention of any provision of this subsection shall be guilty of an offence.

63.—(1) The Corporation may make byelaws with respect to the regulation and use of the seashore, and such byelaws may contain, *inter alia*, provisions—

Byelaws as to
seashore.

- (a) prescribing the limits within which persons may bathe;
- (b) preventing any indecent exposure of the persons of bathers; and
- (c) regulating the distance at which boats shall be kept from persons bathing within such prescribed limits.

(2) Byelaws affecting the seashore below high-water mark shall not come into operation until the consent of the Board of Trade has been obtained.

(3) A printed copy, or sufficient abstract, of any byelaws made under this section shall be exhibited by the Corporation in such characters, at such places and in such positions as to secure that adequate notice is given to the public of the effect of such byelaws.

64.—(1) (a) A person shall not, without a permit from the Corporation—

Restrictions on
structures, etc.,
and trading
on seashore.

- (i) hawk or sell any article, or offer or expose any article for sale; or
- (ii) take any photograph of any person by way of trade or business; or
- (iii) sing or play any musical instrument for or in expectation of personal reward; or
- (iv) conduct or take part in any entertainment, exhibition or performance; or
- (v) let for hire or offer or expose for hire—
 - (i) any animal or vehicle; or
 - (ii) any chair, seat or form; or
- (vi) erect, place or use any booth, tent, hut, shed, stand, platform or stall or other erection or structure, whether on wheels or not;

on any part of the seashore, or on any promenade or esplanade adjacent to the seashore.

(b) Sub-paragraph (i) of the preceding paragraph shall not apply in relation to the sale, or exposure or offer for sale, of newspapers or periodicals by any person who, in connection with such sale or exposure or offer for sale, does not use any vehicle or stall, or any structure, container or other contrivance occupying a stationary position which—

- (i) exceeds 3 feet in height; or
- (ii) exceeds 3 square feet in area; or
- (iii) extends more than 2 feet, 6 inches in any direction.

PART VII
—cont.

(c) For the purpose of paragraph (a) (ii) of this subsection, the taking of a photograph for press or television purposes by—

- (i) any duly accredited representative of a newspaper, periodical or news agency; or
- (ii) any person systematically selling or supplying photographs to newspapers, periodicals or news agencies; or
- (iii) any organisation systematically engaged in collecting news for television broadcasts;

shall not be deemed to be the taking of a photograph by way of trade or business.

(d) Any person acting in contravention of any provision of this subsection shall be guilty of an offence.

(2) Any permit granted under the preceding subsection—

- (a) may be granted for such period, subject to such reasonable conditions and payment of such reasonable charges as the Corporation may prescribe; and
- (b) may be revoked at any time.

Removal of
sand, etc.,
from seashore.

65.—(1) (a) A person (other than a grantee from the Crown) shall not excavate or remove sand, stone, shingle, gravel or other material from the seashore without the consent of the Corporation.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) Nothing in this section shall—

- (a) be in derogation of the regulating lease between the Crown Estate Commissioners and the Corporation dated 5th and 21st January, 1956, relating to the foreshore at Portobello and Joppa; or
- (b) restrict the taking of minerals by underground workings under the seashore by any person having right thereto.

Power to
execute works
on seashore.

66. The Corporation may, on any part of the seashore vested in them or on any other part of the seashore with the consent of the person having right thereto—

- (a) construct retaining walls, embankments or other works for the purpose of protecting land from the sea and for levelling the land enclosed by such retaining walls or embankments;
- (b) construct footpaths, roads and promenades; and
- (c) execute any works for the purpose of preserving, improving and restoring amenity.

Savings in
respect of
Part VII.

67.—(1) Nothing in this Part of this Order shall affect prejudicially the rights of—

- (a) the dock commission in relation to the harbour and docks of Leith;

- (b) Granton Harbour Ltd. and their successors in relation to Granton Harbour; or
(c) the owner of Cramond Island.

PART VII
—cont.

(2) Nothing in this Part of this Order shall be in derogation of the 1949, c. 74. Coast Protection Act, 1949.

PART VIII

CEMETERIES AND CREMATORIA

68. In this Part of this Order:—

Definitions for
Part VIII.

“ Burial Grounds Acts ” means the Burial Grounds (Scotland) Act, 1855, and any Acts amending or extending the same; 1855, c. 68.

“ cemetery ” includes a burial ground or any other place for the interment of the dead;

“ Commission ” means the Commonwealth War Graves Commission;

“ Commonwealth war burial ” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947;

“ grave ” includes a grave space;

“ lair-holder ” means the person for the time being having the exclusive right of burial in a grave and, where such right of burial has been exhausted, means the next of kin or the personal representative of the person whose remains were last interred in such grave;

“ monument ” includes a headstone, tombstone, memorial tablet, panel or plaque; and

“ railing ” includes any kerbstone, chain, wall or other material marking or enclosing a grave or a monument.

69.—(1) The Corporation shall continue to be the burial authority for the city for the purposes of the Burial Grounds Acts and the Cremation Acts, 1902 and 1952.

Corporation
to continue
to be burial
authority for
city.

(2) In its application to the city section 10 of the Burial Grounds (Scotland) Act, 1855 (which empowers the sheriff to designate and set apart land for the purpose of a burial ground) shall be read and have effect as if the word “ policy ” was omitted therefrom.

(3) Notwithstanding anything contained in the Burial Grounds Acts the Corporation shall not be required to keep separate minutes, books and accounts relative to their functions under those Acts.

(4) The third proviso to section 32 (1) of the Church of Scotland (Property and Endowments) Act, 1925 (which proviso contains reservations and restrictions affecting churchyards surrounding or adjoining 1925, c. 33.

PART VIII
—cont.
1929, c. 25.

churches or other ecclesiastical buildings) shall continue to apply with respect to churchyards vested in the Corporation by virtue of the said Act and the Local Government (Scotland) Act, 1929.

Monuments in
cemeteries.

70. The Corporation may maintain any monuments in any cemetery.

Agreements for
maintenance of
graves, etc.

71. The Corporation may enter into agreements with any person with respect to the maintenance of lairs, graves or monuments in any cemetery vested in or administered by them.

Consent of
Corporation
to cemeteries
and crematoria.

72.—(1) A person shall not, without the consent of the Corporation—

- (a) lay out any cemetery or enlarge any existing cemetery; or
- (b) construct any crematorium or enlarge any existing crematorium.

(2) The preceding subsection shall not apply with respect to any land vested in the Edinburgh Cemetery Co. Ltd. at 15th May, 1921, in connection with any of their cemeteries.

Byelaws as to
cemeteries and
crematoria.

73.—(1) (a) The Corporation may, for the protection of the public health and amenity and the maintenance of public decency, make byelaws for the regulation and preservation of cemeteries and crematoria.

(b) Any such byelaws may be made so as to apply only to such cemeteries or crematoria as may be specified in the byelaws, and may contain different provisions for different cemeteries and crematoria.

(2) (a) The person having the management of any cemetery or crematorium to which byelaws made under the preceding subsection relate shall keep a printed copy or sufficient abstract of any such byelaws exhibited in such cemetery or crematorium in such characters and in such positions as to be conveniently read by persons resorting thereto.

(b) Any person acting in contravention of the preceding paragraph shall be guilty of an offence.

Restrictions
on interments
except in
cemeteries.

74.—(1) A person shall not, without the consent of the Corporation, inter or deposit any human remains (other than the ashes of a body which has been cremated) in any place other than a cemetery.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

Extension of
power to
maintain
cemeteries.

75.—(1) The powers of the Corporation in relation to any cemetery vested in or administered by them shall include power—

- (a) to level any grave therein; and

(b) to remove—

- (i) any monument which in their opinion is in an unsound or dilapidated condition; and
- (ii) any railing.

(2) (a) At least one month before exercising any of the powers conferred by the preceding subsection the Corporation shall give notice of their intention—

- (i) to the lair-holder of any grave affected by the proposals (unless that person cannot be found);
- (ii) where a church is situated within the cemetery, to the authorities of that church; and
- (iii) where there is situated in the cemetery any Commonwealth war grave relating to the war of 1914 to 1921 or the war of 1939 to 1947, to the Commission.

(b) If any monument or railing to which such proposal relates is in such a condition that, in the opinion of the Corporation, it constitutes an imminent danger to persons resorting to the cemetery it shall not be necessary for them to give such notice, but in that case they shall, as soon as possible after the exercise by them of the power conferred by the preceding subsection, give notice of such exercise to the persons and bodies referred to in the preceding paragraph.

(3) A notice given under paragraph (a) of the preceding subsection shall—

- (a) contain brief particulars of the Corporation's proposals and, if necessary, specify an address at which full particulars of the proposals can be obtained;
- (b) state the effect of subsection (5) of this section; and
- (c) be deemed to have been properly addressed to any person if it is sent to such person by letter addressed to his last known address.

(4) The powers conferred by subsection (1) of this section shall not be exercised with respect to any Commonwealth war grave, or to any monument or railing pertinent to any such grave, except with the consent of the Commission, and in accordance with such reasonable conditions with reference to such consent as the Commission may prescribe, including conditions to the effect that—

- (a) no other monument or railing shall be placed or erected over any such grave;
- (b) the Corporation shall not interfere with, or disturb, any Commonwealth war burial in any such grave, or cause or permit any interference with, or disturbance of, any such burial other than interference or disturbance authorised by an order of a competent court or other lawful authority after prior notification to the Commission of the application for such order or authority; and

PART VIII
—cont.

(c) in the case of any monument placed or erected by the Commission over any such grave, such monument shall be removed only in accordance with such arrangements and in such manner, including disposal of the monument, as shall be agreed in writing by the Commission.

(5) (a) If notice of objection to the proposals is given to the Corporation by any lair-holder or authority of a church concerned within the period specified in subsection (2) (a) of this section and is not withdrawn the proposals to which the objection relates shall not be carried out without the consent of the Secretary of State.

(b) In any case where the Corporation apply to the Secretary of State for such consent they shall—

- (i) not later than the date on which the application is made to the Secretary of State give notice of such application to the lair-holder, or the authority of the church concerned, as the case may be, and where a Commonwealth war burial would be affected by a decision on such an application, they shall also give the like notice to the Commission; and
- (ii) intimate the decision of the Secretary of State to such lair-holder, or authority of the church concerned.

(c) The Secretary of State may prescribe such conditions as he considers appropriate with reference to any consent granted by him under paragraph (a) of this subsection, and where a Commonwealth war burial would be affected, he shall have regard to any representations thereanent made by the Commission within a period of twenty-eight days from the receipt by the Commission of the notice referred to in paragraph (b) thereof.

(6) If any monument or railing removed is not claimed within three months after the date of its removal the Corporation may put it to such use as they think fit, or they may destroy it.

(7) The Corporation shall, so far as reasonably practicable, cause a record to be made of each monument removed under the powers of this section and shall deposit a copy of such record with the Registrar General of Births, Deaths and Marriages for Scotland.

PART IX

PUBLIC HEALTH AND SANITATION

A. *Definitions for Part IX*

76. In this Part of this Order:—

“basement” means a basement used in common;

Definitions for
Part IX.

“carcase” means the carcase or part of the carcase of any cattle, deer, sheep, swine or horse;

“cleansing and disinfecting” of premises includes:—

(i) removing wallpaper or other covering of walls, and distemping or whitewashing the interior surface of premises;

(ii) papering or painting the interior surface of dwelling-houses; and

(iii) disinfesting or destroying any household article in the premises;

“cleansing station” means any premises where the cleansing of persons or clothing may be carried out;

“communal toilet or laundry facilities” means a part of any premises containing water-closets, wash-houses, drying rooms or sinks used in common;

“dealer” means a person who trades or deals in any household article;

“hairdressing” means the following:—

shaving, cutting, shampooing, tinting, dyeing, bleaching, waving, curling, straightening, setting, or dressing of the hair, upon the scalp or face, with or without the aid of any apparatus or appliance, preparation or substance; the hand or vibro massage of the scalp or face;

“household article” means an article of furniture, bedding or clothing, or any similar article;

“litter” includes dust, ashes, refuse and filth;

“lobby” means a lobby used in common;

“middenstead” includes any receptacle for the accumulation of obnoxious matter;

“obnoxious matter” includes dung, soil or filth, and any other matter which is likely to become obnoxious;

“offensive substance” includes rags and bones, and also flesh not intended for human consumption;

“sanitary conveniences” means water-closets and urinals;

“tents” includes vans, sheds or similar structures used or intended to be used for human habitation; and

“vermin”, in its application to insects and parasites, includes their eggs, larvae and pupae, and “verminous” shall be construed accordingly.

PART IX
—cont.B. *General sanitation and cleanliness*Maintenance
of common
stairs, etc.

77.—(1) Every owner of:—

- (a) premises entering or having access from common stairs;
- (b) lobbies, basements and communal toilet or laundry facilities;
and
- (c) common ventilating shafts and lift shafts;

shall keep such common stairs, lobbies, basements, communal toilet and laundry facilities, ventilating shafts, lift shafts, and all roof-lights, fan-lights and windows pertinent to any such premises in a clean state and in good repair.

(2) Any owner acting in contravention of the preceding subsection shall be guilty of an offence, and the Corporation may, by notice, require him to repair, cleanse and limewash or paint such common stairs, lobbies, basements, communal toilet and laundry facilities, ventilating shafts, lift shafts, roof-lights, fan-lights and windows.

Byelaws as to
sweeping and
washing, etc.,
of common
stairs, etc.

78. The Corporation may make byelaws for all or any of the following purposes:—

- (a) regulating the sweeping and washing, by the occupiers in rotation, of common stairs, lobbies, basements, communal toilet or laundry facilities, and of areas used in common;
- (b) keeping common stairs, lobbies, basements and such areas clear of obstruction; and
- (c) the cleansing of unoccupied cellars by the owners.

Whitewashing
of courts, etc.

79. The Corporation may, by notice, require the owner of every court or sunk area to whitewash the walls of such court or sunk area.

Cleansing of
courts, etc.

80.—(1) The persons having right to use any court or sunk area shall keep such court or sunk area, and the roofs of any outbuildings therein, in a clean state.

(2) The Corporation may cause to be cleansed any court, sunk area or roof which is not being kept in a clean state and the expense reasonably incurred in so doing shall be recoverable by them from such persons or, if such court or area is unoccupied, from the owner.

Litter not to be
thrown down
in common
stairs, etc.

81. Any person who throws down, drops or otherwise deposits any litter in any court, common stair or back green attached to a tenement containing eight or more separate dwellinghouses, or in any lobby, or communal toilet or laundry facilities, or on the roof of any outbuilding in any court shall be guilty of an offence.

82.—(1) Where, in the opinion of the sanitary inspector, any accumulation of obnoxious matter in any premises or other matter which obstructs or is likely to obstruct the adequate cleansing of such premises should be removed, and it is not the duty of the Corporation to remove it, he may, by notice, require the occupier of such premises or, if the premises are unoccupied, the owner, to remove it within forty-eight hours.

PART IX
—cont.

Removal of
obnoxious
matter.

(2) Any person failing to comply with any requirement of a notice under the preceding subsection shall be guilty of an offence and the sanitary inspector may remove such matter and dispose of it, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such person.

83.—(1) The Corporation may shut up, wholly or partially, any close, passage or place which, in their opinion, is being so used as to be detrimental to public health.

Closes, etc.,
detrimental to
public health.

(2) In shutting up any such close, passage or place the Corporation shall not interfere with any private right of access.

84.—(1) (a) A person shall not form a middenstead in any place, not being on agricultural or horticultural lands, without the consent of the Corporation.

Regulation of
middensteads.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) (a) Every middenstead shall be cleaned out regularly by the owner.

(b) If the owner of any middenstead fails to comply with the requirements of this subsection the sanitary inspector may cause such middenstead to be cleaned out and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such owner.

85.—(1) (a) The Corporation may, by notice, require the owner of any premises to which this section applies to provide suitable and sufficient sanitary conveniences and wash-hand basins in the premises or on land or premises belonging to such owner adjacent to such premises.

Power to
require sanitary
conveniences,
etc., at hotels,
etc.

(b) If the owner of any premises on whom a notice under this subsection has been served alleges that any tenant or occupier of such premises should bear, or contribute to, the expense of complying with any requirement of such notice he may apply to the sheriff and the sheriff may make such order as appears to him just and equitable in all the circumstances.

(2) The owner of any premises to which this section applies in or for which sanitary conveniences or wash-hand basins have been provided shall maintain such sanitary conveniences or wash-hand basins.

PART IX
—cont.

(3) The occupier of any premises to which this section applies in or for which sanitary conveniences or wash-hand basins have been provided shall at all times keep such sanitary conveniences or wash-hand basins in a clean state and, in particular, shall cleanse them once at least during each day that such premises are open.

(4) The Corporation may, by notice, require the owner of any premises to which this section applies to remove any sanitary convenience provided for such premises which is so situated or constructed, or is in such a condition, as to be a nuisance.

(5) Any person aggrieved by any requirement of any notice under this section may appeal to the sheriff.

(6) Any person acting in contravention of subsection (2) or subsection (3) of this section shall be guilty of an offence.

(7) This section applies to any premises used as—

- (a) an hotel or restaurant, not being premises in respect of which a certificate for the sale of excisable liquor is in force; or
- (b) a public building, not being premises licensed for entertainment.

C. Hairdressers

Hairdressers
to be
registered.

86.—(1) A person shall not, by himself or any other person, carry on the business of hairdressing in any premises occupied by him unless he is registered by the Corporation in respect of such premises.

(2) (a) Any person who makes application for registration in respect of any such premises shall, subject as hereinafter provided, be registered by the Corporation in respect of such premises and the Corporation shall issue to him a certificate of registration in respect of such premises.

(b) The Corporation shall charge a fee of £1 for each application for registration under this section.

(3) (a) The Corporation shall be entitled to refuse an application for registration under this section only if the premises are unsuitable or inadequate for the business of hairdressing.

(b) Any person aggrieved by a refusal to grant an application for registration under this section may appeal to the sheriff.

(4) Any person who carries on the business of hairdressing in any premises occupied by him in respect of which there is not in force a certificate of registration under this section shall be guilty of an offence.

87. The Corporation may make byelaws for the purpose of securing the cleanliness of—

PART IX
—cont.

Byelaws as to
hairdressers.

- (a) premises registered under the preceding section and of the instruments, towels, materials and equipment used therein; and
- (b) persons employed in such premises in regard to themselves and their clothing.

88.—(1) Every person registered under section 86 (Hairdressers to be registered) of this Order shall keep a copy of—

Display of
hairdresser's
certificate of
registration
and byelaws.

- (a) his certificate of registration; and
- (b) any byelaws made under the preceding section;

exhibited in a conspicuous position in the premises in respect of which he is registered.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

89.—(1) On the conviction of any person registered under section 86 (Hairdressers to be registered) of this Order of a contravention of any byelaws made under section 87 (Byelaws as to hairdressers) of this Order the court may order the suspension of the registration of such person for a period not exceeding twelve months.

Power of court
to suspend
registration of
hairdressers.

(2) Where the registration of any such person is suspended he shall return his certificate of registration to the town clerk within seven days, and if he fails to do so he shall be guilty of an offence unless he has reasonable cause for such failure.

D. Common lodging-houses

90. In the application to the Corporation and to the city of Part V of the Act of 1897 (which relates to the regulation of common lodging-houses) and in this head of this Part of this Order:—

As to applica-
tion of Part V
of Act of 1897.

(a) “common lodging-house” —

(i) means a house, or part of a house, in which any person is lodged by the night at a rate not exceeding 4s. 6d. per night or such greater or less sum as the Corporation, with the approval of the Secretary of State, may from time to time prescribe, whether payable nightly or weekly or at any period not longer than a fortnight; and

(ii) includes all boarding-houses for seamen irrespective of the rates charged for lodgings or boarding;

PART IX
—cont.

- (b) “keeper of a common lodging-house” means the occupier of such common lodging-house who lodges such person; and
- (c) “lodger” means any person so lodged.

Registration
of common
lodging-houses
in classes.

91. The Corporation may require that common lodging-houses shall be registered in classes or for persons of the same sex.

E. Farmed-out houses

As to applica-
tion of
section 72 of
Act of 1897.

92. In its application to the Corporation and to the city section 72 of the Act of 1897 (which empowers local authorities to make byelaws as to lodging-houses) shall have effect as if—

(a) the matters set out in subsection (1), so far as relating to the making and enforcing of byelaws with respect to farmed-out houses, included the following:—

(i) the keeping and well ordering of farmed-out houses;

(ii) enforcing sufficient lighting and ventilation of farmed-out houses and the cleanliness of all fittings and furnishings, including bedding, therein;

(iii) securing, by the keepers of farmed-out houses, the cleansing of the common stairs and lobbies leading thereto and of the toilet facilities used in common therein;

(iv) prohibiting the placing of gates or other obstructions in or on the common stairs and lobbies leading to any farmed-out houses;

(v) supplying and maintaining by the keepers of farmed-out houses of necessary fittings and fixtures therefor;

(vi) requiring the keepers of farmed-out houses to furnish them with sufficient bedding, bed-clothes and kitchen utensils to a minimum standard of domestic comfort and to keep the same at that standard;

(vii) fixing the hours for letting purposes and the minimum period for which farmed-out houses may be let;

(viii) prohibiting the keepers of farmed-out houses from permitting any person to occupy any apartment to which entry can be had only from or through another apartment let to a different family or person;

(ix) prohibiting persons under eighteen years of age residing in farmed-out houses unless with their parents or guardians; and

(x) requiring the keepers of farmed-out houses to keep a register of the names and occupations of the persons occupying every farmed-out house in their care or management, and to keep such register open to inspection by the medical officer, the sanitary inspector, or any other authorised officer; and

(b) in subsection (2) for the words “to houses of one or two apartments taken on lease by any person, and let or rented to several occupiers for limited periods as furnished apartments” there were substituted the words “any building or dwellinghouse, or any part thereof, or any apartment therein, which is used or let or rented as one or more separate furnished dwellinghouses or apartments in respect of which the medical officer and the sanitary inspector have certified to the Corporation that such building, or dwellinghouse, or part thereof, or apartment therein, either from its construction or condition, or the manner in which it is or is proposed to be used, requires special supervision in the interests of public health and sanitation”.

F. Verminous persons, and filthy or verminous premises and articles

93.—(1) (a) Where the medical officer or the sanitary inspector is of opinion that any premises other than a factory, or premises to which the Offices Act applies, are filthy or verminous the medical officer, or the sanitary inspector, as the case may be, may by notice require the occupier of the premises or, if the premises are unoccupied, the owner, to take any steps necessary for cleansing and disinfecting the premises.

Cleansing of
filthy or
verminous
premises.

(b) Any person failing to comply with any requirement of a notice under this subsection shall be guilty of an offence and the medical officer or the sanitary inspector, as the case may be, may take the steps required by the notice, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such person.

(2) (a) Where the occupier of any premises in respect of which a notice might be served under the preceding subsection is unable through infirmity or mental incapacity to remedy the condition of the premises and his health is thereby endangered the Corporation may apply to the sheriff for an order under the succeeding paragraph.

(b) On any such application the sheriff, if satisfied on oral evidence of the facts set forth in the application, and that it is expedient to do so, may make an order for the removal of the occupier to whom the application relates, by such officer of the Corporation as may be specified in the order, to a suitable institution or other premises, and for the detention and maintenance of such occupier therein for such period as the sheriff may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the premises:

Provided that the sheriff shall not make an order under this paragraph unless the Corporation have given not less than seven days' notice of their intention to make the application.

(c) On the removal of the occupier of any premises in pursuance of an order under the preceding paragraph the sanitary inspector or any other authorised officer may enter such premises and carry out any necessary cleansing and disinfecting:

Provided that upon the completion of such cleansing and disinfecting the Corporation shall make provision for the return of such occupier to the premises.

PART IX
—cont.Cleansing of
verminous
persons and
clothing.

94.—(1) The Corporation may, if satisfied upon a report by the medical officer or the sanitary inspector, that any person, or the clothing of any person, is verminous and if such person consents to be removed to a cleansing station, cause such person to be removed to a cleansing station and cleansed as to his person and clothing.

(2) If such person does not so consent the Corporation may apply to the sheriff, and the sheriff, if satisfied, on oral evidence of the facts set forth in the application, and that it is expedient to do so, may make an order for the removal of such person to a cleansing station by such officer of the Corporation as may be specified in the order and for the detention of such person therein for such period, and subject to such conditions, as may be specified in the order, to enable him to be cleansed as to his person and clothing.

(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 sixteen years of age, 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 his removal to, or maintenance in, a cleansing station.

Prohibition of
sale of
verminous
articles.

95.—(1) (a) A dealer shall not—

- (i) prepare for sale; or
- (ii) sell or offer or expose for sale; or
- (iii) deposit for sale or preparation for sale;

any household article if it is, to his knowledge, verminous, or if, by taking reasonable precautions, he could have known it to be verminous.

(b) Any person acting in contravention of any provision of the preceding paragraph shall be guilty of an offence.

(2) If any household article which is verminous is on any premises—

- (a) being prepared or offered by a dealer for sale; or
- (b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale;

the medical officer, or the sanitary inspector, may cause the article to be disinfested or destroyed, as the case may require, and, if necessary for that purpose, to be removed from the premises, and the expense reasonably incurred in taking any action under this subsection shall be recoverable by the Corporation from such dealer.

(3) In this section “preparation for sale” does not include disinfestation.

*G. Miscellaneous*Conveyance of
carcasses.

96.—(1) (a) A person shall not carry or convey through any street a carcase intended for sale for human consumption except in a covered or closed vehicle so designed as to be suitable for that purpose and in a clean state.

(b) A person shall not carry or convey through any street a carcase not intended for sale for human consumption unless it is so covered as to be completely hidden from view.

PART IX
—cont.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

97.—(1) A person shall not—

(a) blow or inflate a carcase;

(b) bring into the city a carcase which has been blown or inflated;
or

(c) sell, or offer, expose, or deposit for sale, a carcase which has been blown or inflated.

Prohibition
of blowing
or inflating
carcases.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

98.—(1) For the purposes of section 32 (3) of the Act of 1897 (which subsection empowers a local authority to make byelaws as to offensive businesses) the business of a fish frier shall be deemed to have been declared an offensive business by an order made and confirmed in pursuance of section 32 (1) of that Act.

Byelaws in
respect of
fried-fish shops.

(2) The preceding subsection shall not apply in relation to any premises in which the frying of fish is incidental to general catering purposes.

99.—(1) (a) Every person dealing in any offensive substance shall—

Offensive
substances.

(i) keep the premises in which such substance is deposited in a clean state; and

(ii) fumigate such premises with a suitable purifying agent as often as necessary for removing offensive smells.

(b) Any person acting in contravention of any provision of this subsection shall be guilty of an offence.

(2) (a) The burgh court, if satisfied, on the application of the city prosecutor, that the collecting or keeping of any offensive substance in the vicinity of any dwellinghouse, shop or other place is prejudicial to the health or comfort of persons residing or employed therein, may make an order requiring the person collecting or keeping such offensive substance—

(i) to remove such offensive substance within such period as may be specified in the order; or

(ii) to take such steps with respect to such offensive substance to avoid such prejudice to health or comfort as may be specified in the order and within such period as may be specified in the order.

(b) Any person acting in contravention of any such order shall be guilty of an offence.

PART IX
—cont.Byelaws as to
keeping of
poultry.

100. The Corporation may make byelaws for all or any of the following purposes:—

- (a) prescribing and regulating the places in which poultry may be kept and prohibiting the keeping of poultry otherwise than in the places prescribed; and
- (b) with respect to the construction of poultry houses and runs.

Byelaws as to
tents, vans,
etc.

101. In its application to the city section 73 of the Act of 1897 (which relates to tents and vans used for human habitation) shall be extended so as to authorise the Corporation to make byelaws with respect to—

- (a) the number of tents to be permitted on any land;
- (b) the area to be allotted to each of the tents;
- (c) securing sanitary conditions in tents and on any such land;
- (d) securing a sufficient supply of wholesome water to tents;
- (e) securing the good and orderly conduct of persons frequenting any such land and of the occupiers of the tents thereon; and
- (f) the provision of adequate lighting of such land and precautions against fire:

Provided that—

1960, c. 62.

- (i) nothing in this section shall apply to any caravan which is for the time being stationed on any caravan site in respect of which a site licence, or an exemption for the purposes of paragraphs 4, 5 or 6 of the First Schedule to the Caravan Sites and Control of Development Act, 1960, from the requirement to hold a site licence, is in force; and
- (ii) byelaws made under paragraph (e) of this section shall not apply to any tents used or intended to be used by a person whose regular employment or occupation is that of a circus proprietor, roundabout proprietor or travelling showman (not being a pedlar or hawker) provided that such tents are used only in connection with his employment or occupation and that no person occupying such tents is guilty of any misconduct.

Mode of
occupancy of
dwellinghouses
not to be
altered without
consent.

102.—(1) (a) An owner or occupier of a dwellinghouse shall not, without the consent of the Corporation, alter the mode of occupancy of such dwellinghouse in such a manner as to alter the number of separate occupiers.

(b) Any person acting in contravention of this section shall be guilty of an offence.

(2) Any person aggrieved by any refusal of the Corporation to grant a consent under this section or any conditions prescribed by the Corporation with reference to a consent granted under this section may appeal to the sheriff.

PART X

CLEANSING

103. In this Part of this Order—

Definitions
for Part X.

“domestic refuse” means the dust, ashes and other refuse arising from, or incidental to, the normal occupation of any dwelling-house, shop, office, warehouse or other similar premises, but does not include soot or trade refuse;

“trade refuse” means—

(a) the refuse arising out of, or incidental to, the carrying on of any trade, business or manufacture;

(b) ashes, clinker and flue dust from any engine, furnace, oven or stove used in connection with any industrial or commercial purpose or process;

(c) the fabric, and fittings or fixtures, of premises;

(d) motor vehicles, parts or accessories of motor vehicles, and garage debris; and

(e) garden refuse; and

“refuse” includes domestic refuse and trade refuse.

104. The Corporation shall, so far as reasonably practicable, keep the streets swept and cleansed.

Cleansing of
streets.

105. Subject to the provisions of this Part of this Order, the Corporation—

Collection and
disposal of
domestic and
garden refuse.

(a) shall make provision for the collection, removal and disposal or treatment of domestic refuse; and

(b) may, at such times, during such periods, and to such extent as they may decide, collect, remove and dispose of garden refuse.

106.—(1) The Corporation may make arrangements, on such terms and conditions as they may determine, with the occupiers of any premises for the collection, removal and disposal or treatment of trade refuse and soot.

Collection and
disposal of
trade refuse,
waste food and
waste paper.

(2) The Corporation may make provision for the separate collection, removal and disposal or treatment of food waste and waste paper, and for that purpose they may provide bins and other apparatus.

107.—(1) There shall be provided and maintained for all premises sufficient bins for the reception of domestic refuse, and such provision may be made for the city, or for any part thereof, in one or other of the following ways:—

Provision of
bins for
domestic refuse.

(a) the Corporation may provide and maintain such bins, and the expense incurred by them in so doing shall be paid out of the burgh fund; or

(b) the Corporation may provide and maintain such bins and make, in respect of each bin so provided, an annual charge not exceeding 10s., or such greater sum as the Secretary of

PART X
—cont.

State may allow, which charge shall be recoverable by the Corporation from the occupier of the premises for which such bin is provided; or

(c) the Corporation may, by notice, require the occupiers of premises to provide such bins.

(2) If any person fails—

(a) to comply with any requirement under paragraph (c) of the preceding subsection; or

(b) to maintain any bin which he has been required to provide under the said paragraph;

the Corporation may provide such bin, and the expense of such provision shall be recoverable by the Corporation from the person in default.

(3) (a) Notwithstanding anything in the preceding provisions of this section the Corporation may—

(i) provide for the reception of domestic refuse suitable containers of plastic, cardboard or paper in place of bins; and

(ii) permit the provision of such containers of a type approved by them in place of the provision of bins.

(b) Where the Corporation provide, or permit the provision of, any such containers the necessary holders for such containers shall be provided and maintained by them, or by the occupiers of the premises concerned, as the case may be.

Refuse, etc.,
vested in
Corporation.

108. All refuse and all articles (being articles authorised or required to be collected, removed and disposed of by the Corporation in pursuance of this Part of this Order) placed on any public place for the purpose of being collected and removed by employees of the Corporation, shall vest in the Corporation and may be used, converted or sold by them.

Cleansing
byelaws.

109. The Corporation may make byelaws for all or any of the following purposes:—

(a) (i) prohibiting or regulating the accumulation of refuse in ashpits or other receptacles or in refuse chutes, storage containers and container chambers;

(ii) requiring the removal by the occupiers of premises of the contents of such receptacles, chutes, containers and container chambers at such intervals and during such times as may be prescribed; and

(iii) requiring such receptacles, chutes, containers and container chambers to be cleansed by the occupiers of premises and to be kept by them free from nuisance;

(b) regulating the time and mode of removal of domestic refuse and waste paper; and

(c) requiring the removal of snow from footways by the occupiers of premises fronting thereon.

PART XI

BATHS AND LAUNDRIES

110. In this Part of this Order "baths" includes:—

Definition
for Part XI.

- (a) swimming baths, bathing pools and bathing places, either open or covered;
- (b) medicated baths; and
- (c) baths the efficient properties of which are due to agencies other than water.

111.—(1) (a) The Corporation may provide baths within, or within a reasonable distance of, the city.

Power to
provide baths.

(b) The powers of the Corporation under the preceding paragraph shall include the provision of sea-water baths on any part of the seashore vested in them.

(2) The owners of any baths may sell or lease them to the Corporation, and any such baths purchased or leased by the Corporation shall be deemed to have been provided by them under the powers of this Part of this Order.

112.—(1) The Corporation may—

Use of baths,
by organisa-
tions, etc.

- (a) use any of the swimming baths or bathing pools for swimming practices or contests, aquatic sports or similar entertainments, or for exhibitions or meetings; and
- (b) grant the use of any of the swimming baths or bathing pools, with or without charge, to any person or voluntary or other organisation;

and exclude the public from any of such swimming baths or bathing pools while they are in such use.

(2) The Corporation may make, or authorise the making of, reasonable charges for admission to, or for the use of, any of such swimming baths or bathing pools while closed to the public under the preceding subsection.

113. The Corporation may provide laundries within, or within a reasonable distance of, the city.

Power to
provide
laundries.

114. The Corporation may make reasonable charges for the use of, or admission to, any of the baths and laundries, and for the use of apparatus and appliances therein.

Charges for
use of baths
and laundries.

115.—(1) The Corporation may, at or in connection with any of the baths and laundries, provide offices, halls, shelters or other buildings or structures.

Power to
provide offices,
etc., in connec-
tion with
baths and
laundries.

(2) The Corporation may—

- (a) let any of such buildings or structures; or
- (b) grant the use, with or without charge, of any of such buildings or structures to any person or voluntary organisation.

PART XII

TRANSPORT

A. Running of public service vehicles by Corporation

Authority of Corporation to run public service vehicles. 1930, c. 43.

116. The Corporation shall continue to be a local authority authorised to run public service vehicles in pursuance of Part V of the Road Traffic Act, 1930 (which authorises the running of public service vehicles by local authorities).

Power to run public service vehicles for special purposes.

117.—(1) (a) Notwithstanding anything in any enactment the Corporation may on any occasion run and reserve public service vehicles within the city for any special purpose.

(b) During the running of any such public service vehicles the Corporation shall maintain reasonably sufficient ordinary services.

(2) Public service vehicles run under the powers of this section shall be distinguished from the other public service vehicles of the Corporation.

Starting and stopping places of public service vehicles.

118. The Corporation may appoint the stands and places within the city from which their public service vehicles may start, and at which they may stop for the purpose of taking up or setting down passengers, and may fix the time during which such public service vehicles may remain at any such places.

Saving for Part III of Act of 1960 in respect of head A of Part XII.

119. Nothing in this head of this Part of this Order shall be in derogation of Part III of the Act of 1960 (which relates to the licensing of public service vehicles).

B. Installation of fittings and equipment for purposes of transport undertaking

Signs indicating starting and stopping places, etc., of public service vehicles.

120. The Corporation may, in any street on or near the route of any of their services of public service vehicles, display and illuminate signs or notice boards indicating the position of starting and stopping places on such routes, and for giving information relative to such services, and for those purposes they may:—

(i) erect any necessary standards or fittings and attach such signs or notice boards thereto; or

(ii) with the consent of the owner attach any such signs or notice boards to any poles or standards belonging to such owner.

Power to lay telephone wires, etc., for purposes of transport undertaking.

121.—(1) For the purposes of—

(a) establishing telephonic or other electrical communication between their offices, depots, garages, works and vehicles; and

(b) illuminating signs or notice boards displayed by them under the powers conferred by the preceding section;

the Corporation may, subject to the provisions of this Order, lay and erect wires, posts, conductors and other apparatus in, on or over any street and, with the consent of the owners and occupiers of any other land, in, on or over that land.

(2) Subsections (3) and (4) of section 5 of Part II of the Fourth Schedule to the Act of 1946 (which relate to the power of water undertakers to lay or erect telephone wires, etc.) shall be incorporated in this Order in respect of the exercise by the Corporation of the powers conferred on them by this section.

PART XII
—cont.

(3) Apparatus laid or erected by the Corporation under the powers of this section shall be so constructed, maintained and used as to prevent interference with the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways.

C. Provisions with respect to third-party insurance of public service vehicles

122. Any public service vehicle for the time being in the possession and control of the Corporation and in charge of a person in their employment, or any other person for whose actings they are responsible, shall be deemed to be a vehicle owned by a local authority for the purposes of Part VI of the Act of 1960 (which relates, *inter alia*, to insurance or security against third-party risks arising out of the use of motor vehicles).

Certain public service vehicles deemed to be local authority vehicles for insurance purposes.

123.—(1) The requirements of section 226 of the Act of 1960 and of any regulations made in pursuance of section 215 of that Act (which relate, *inter alia*, to the production of evidence of insurance of motor vehicles or security in respect thereof) or continued in force by that Act, with respect to the production of certificates of insurance or security against third-party risks, or evidence of exemption from the requirement of such insurance or security, shall not apply in relation to public service vehicles owned and operated by the Corporation.

As to evidence of exemption of public service vehicles from insurance.

(2) The preceding subsection shall apply in relation to any public service vehicle deemed to be owned by the Corporation in pursuance of the preceding section:

Provided that a notice shall be exhibited in a conspicuous position on such vehicle to the effect that it is for the time being under the control of the Corporation.

D. Provisions with respect to fares on public service vehicles

124. Subject to the provisions of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954, the Travel Concessions Acts, 1955 and 1964, and this Order, the Corporation shall ensure that the fares and charges on their public service vehicles are so fixed that, along with the other revenues of the transport undertaking, they shall, so far as reasonably practicable, be sufficient to meet the expenditure of the Corporation in connection with the transport undertaking, taking one year with another.

Fares on public service vehicles to be so fixed that revenue of transport undertaking will meet expenditure. 1954, c. 64.

125.—(1) Any person who lends to, or allows to be used by, any other person:—

Penalty for permitting unauthorised use of season, etc., tickets.

(a) any day, period or season ticket issued to him by the Corporation authorising travel on any of their public service vehicles; or

PART XII
—cont.

(b) any permit issued to him by the Corporation authorising travel on any of their public service vehicles free or at a reduced fare; and which bears thereon an indication that it is not transferable shall be guilty of an offence.

(2) A note of the effect of the preceding subsection shall be endorsed on every such day, period or season ticket and on every such permit.

Passengers on public service vehicles travelling beyond journey for which fare paid.

126.—(1) Any passenger on a public service vehicle of the Corporation who travels beyond the end of the journey for which he has paid his fare shall on demand—

(a) declare the additional journey he intends to make; and

(b) pay the fare appropriate to such additional journey as if it was a new journey.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

E. Miscellaneous

Power to manufacture public service vehicles.

127. Notwithstanding anything in any enactment the Corporation may manufacture public service vehicles for the purposes of experiment in connection with the transport undertaking.

Parcels delivery service.

128.—(1) (a) The Corporation may run vehicles within the city for the collection, conveyance and delivery of parcels not exceeding 112 lbs. in weight, and may demand and take reasonable charges for the conveyance of parcels and for any service performed by them in connection therewith.

(b) The Corporation shall, in respect of such vehicles, perform all services with regard to the conveyance of mails prescribed by the Post Office Act, 1953, in the case of public service vehicles.

1953, c. 36.

(2) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under Part IV of the Act of 1960 (which relates to the regulation of carriage of goods by road) in respect of any goods vehicle to which that part of the Act applies.

Saving for agreement with Scottish Omnibuses Ltd.

129. Nothing in this Part of this Order shall affect prejudicially the agreement between the Corporation and Scottish Omnibuses Ltd., dated 1st and 7th July, 1954.

PART XIII

MARKETS AND SLAUGHTERHOUSES

A. Definitions for Part XIII

Definitions for Part XIII.

130. In this Part of this Order—

“animal” means cattle, deer, sheep, goats, swine, horses, asses and mules;

“ market charges ” includes all rates, dues, entrance duties and other charges payable in respect of the use of the markets; and

PART XIII
—cont.

“ slaughterhouses ” means the slaughterhouses of the Corporation.

B. Cattle, corn and grain markets

131. The Corporation may—

- (a) establish and hold markets and provide market buildings;
- (b) provide market stalls, stands, warehouses, offices, shops, stores and refreshment rooms; and
- (c) do such other things as they consider expedient for the purposes of the markets.

Power to provide markets.

132.—(1) A person shall not, without the consent of the Corporation, establish any market—

- (a) for the sale of animals; or
- (b) for the sale wholesale of wheat, oats, barley, peas, beans or other grain.

Cattle, etc., markets not to be established without consent.

(2) Notwithstanding anything in the preceding subsection, the Corporation may authorise the public sale of animals by any person, but any person so authorised shall—

- (a) give to the city chamberlain not less than twenty-four hours' notice of the time and place fixed for such sale;
- (b) give free access to such sales at all times to the city chamberlain or other authorised officer;
- (c) pay to the Corporation in respect of the animals exposed for sale a sum fixed by the Corporation not exceeding the amount of the market charges which would have been payable to the Corporation if such animals had been sold or exposed for sale in the cattle market.

(3) Any person acting in contravention of subsection (1) of this section or of paragraph (a) or (b) of the preceding subsection shall be guilty of an offence.

133. The Corporation may discontinue the whole or any part of any of the markets.

Power to discontinue markets.

134. The Corporation may grant the use, with or without charge, of any of the markets, when not required for market purposes, for public meetings, civic functions, concerts, entertainments, carnivals, exhibitions or recreation or other purposes.

Use of markets for other purposes.

135. Subject to the provisions of this Part of this Order, all existing rights and powers of the Corporation to establish or regulate markets and fix market places shall continue in full force and effect.

Saving for existing market rights.

PART XIII

—cont.

Operation of the slaughterhouses.

1954, c. 42.

Power to provide dead meat market.

Dead meat market not to be established without consent.

Sale of dead meat, hides, etc., in the slaughterhouses.

Power to let stalls, lands and premises at markets and slaughterhouses.

Market charges.

C. Slaughterhouses and dead meat market

136. The Slaughterhouses Act, 1954, shall, subject to the provisions of this Part of this Order, continue to apply with respect to the slaughterhouses as it applies with respect to a public slaughterhouse provided under that Act.

137. The Corporation may, in connection with the slaughterhouses, provide and operate a dead meat market for the sale of dead meat and poultry.

138.—(1) A person shall not, without the consent of the Corporation, establish any market for the sale wholesale of dead meat.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

139.—(1) A person shall not sell, or offer or expose for sale, any dead meat in or on any lands or premises forming part of the slaughterhouses other than in premises set apart as a dead meat market.

(2) A person shall not, without the consent of the Corporation, sell, or offer or expose for sale, in or on any lands or premises forming part of the slaughterhouses the hides, skins or tallow of any animal not slaughtered in the slaughterhouses.

(3) Any person acting in contravention of any provision of this section shall be guilty of an offence.

D. Lets of stalls, lands and premises

140. Notwithstanding anything in any enactment, the Corporation may—

- (a) let any market stall or stand in any of the markets for any period not exceeding three years;
- (b) let any warehouse, office, shop, store, refreshment room or other premises in any of the markets or of the slaughterhouses for any period not exceeding twenty-one years; and
- (c) let any land or premises forming part of the markets or of the slaughterhouses for any period not exceeding ninety-nine years to any person for any purpose connected with the markets or with the slaughterhouses or with any business carried on therein.

E. Charges, accounts, etc.

141.—(1) The Corporation may demand and take such market charges as they may fix from time to time.

(2) Before fixing or varying any market charges the Corporation shall consult with such persons or organisations as appear to them to be representative of interests substantially affected.

PART XIII
—cont.

Market and slaughterhouses charges to be so fixed that revenue will meet expenditure.

Charges in respect of dead meat market.
1954, c. 42.

Markets and slaughterhouses accounts.

Markets and slaughterhouses to cease to form part of common good.

142. The Corporation shall so fix or vary the market charges and the charges in respect of the slaughterhouses and any dead meat market provided by them respectively, that such charges, with any other revenues properly applicable to the markets, the slaughterhouses and any such dead meat market, respectively, shall, so far as reasonably practicable, be sufficient to meet the expenditure of the Corporation in connection with the markets, the slaughterhouses and any such dead meat market respectively, taking one year with another.

143. The provisions of section 8 (2) (a) and (3) of the Slaughterhouses Act, 1954 (which relate to charges which may be made by local authorities in respect of the use of their slaughterhouses and of services provided by them in connection therewith), shall apply with respect to any dead meat market provided by the Corporation as they apply with respect to the slaughterhouses.

144.—(1) The Corporation shall keep accounts, to be called “ the markets account ” and “ the slaughterhouses account ”, respectively, to which shall be credited in each financial year the whole revenues of, and incidental to, the markets and the slaughterhouses, respectively, and out of which shall be defrayed all expenditure in connection with the markets and the slaughterhouses, respectively.

(2) (a) The Corporation shall show in separate sections of the slaughterhouses account the revenue and expenditure in connection with—

- (i) the slaughterhouses; and
- (ii) any dead meat market provided by them.

(b) The sums received for the blood, dung and refuse in the slaughterhouses (excluding the hoofs, spurs, glands, gut and fearnings) shall be credited to the slaughterhouses section of the account.

(3) There shall be credited to the common good during each financial year, from the revenues of the slaughterhouses, the sum of £1,000, which shall be charged to the slaughterhouses section of the slaughterhouses account.

(4) At the end of each financial year any deficit in the markets account and the slaughterhouses account, or either of them, shall be made good out of the burgh fund, and any surplus shall be carried forward in the markets account or the slaughterhouses account, as the case may be:

Provided that any such surplus in the markets account or the slaughterhouses account shall be applied in making good to the burgh fund any amounts charged to that fund under this subsection in the four financial years immediately preceding the financial year in which such surplus arose.

F. Miscellaneous

145. The markets and the slaughterhouses shall cease to form part of the common good.

PART XIV

DEAN OF GUILD COURT

A. Definitions for Part XIV

Definitions for Part XIV.

146. In this Part of this Order—

“appointed member” means a member of the court other than the lord dean of guild; and

“court” means the dean of guild court of the city constituted in pursuance of the succeeding section.

B. Constitution, proceedings, jurisdiction, etc., of dean of guild court

Constitution of dean of guild court.

147.—(1) The dean of guild court shall consist of fifteen members, as follows:—

(a) the lord dean of guild; and

(b) fourteen members appointed by the Corporation, being—

(i) seven town councillors, of whom not less than two shall be councillors for the Leith wards; and

(ii) seven persons other than town councillors, of whom not less than five shall be persons carrying on, or who have carried on, business in the city as architects, civil engineers, surveyors or builders.

(2) The appointed members shall be appointed annually at the statutory meeting of the Corporation, or at any adjournment thereof, and shall hold office until the next statutory meeting of the Corporation.

Casual vacancies among appointed members of dean of guild court.

148.—(1) Any appointed member who—

(a) intimates in writing to the town clerk his resignation of office; or

(b) fails throughout a period of three consecutive months (counting from the sitting of the court from which he was first absent) to attend any sitting of the court without leave of absence from the court;

shall be held to have vacated office.

(2) Any member appointed under subsection (1) (b) (ii) of the preceding section shall cease to hold office if he is elected a town councillor of the city.

(3) As soon as may be after the occurrence of any casual vacancy among the appointed members the Corporation shall appoint a duly qualified person to fill such vacancy.

Proceedings in dean of guild court.

149.—(1) A quorum of the court shall be five, and the court may are notwithstanding any vacancy if a quorum is present.

(2) The court shall sit as often as necessary at such convenient place within the city as they may appoint.

(3) At all sittings of the court the lord dean of guild, if present, shall preside.

(4) If the lord dean of guild is absent from any sitting of the court the members present shall appoint one of their number to preside at such sitting and act as interim dean of guild.

(5) The lord dean of guild, or other member presiding at any sitting of the court, shall have a casting vote as well as a deliberative vote in all proceedings before the court.

(6) The proceedings of the court shall not be invalidated by any defect in the election, appointment or qualification of any member.

(7) A member of the court shall not sit as such when any matter in which he is personally interested is under consideration.

(8) The procedure in the court in respect of any business which is not conjoined with business relating to the functions of the court under the Act of 1959 shall conform to the rules of procedure set forth in Schedule 3 to this Order.

150.—(1) The court may appoint committees, consisting wholly of members of the court, and may delegate to any committee so appointed any of their jurisdictions and functions:—

Committees of
dean of guild
court.

(a) under section 6 of the Act of 1959, not being functions delegated by virtue of section 7 of that Act to the clerk of the court or to the master of works; or

(b) under any provision of this Order; or

(c) relating to the inspection of buildings; or

(d) relating to the disposal of incidental questions (including questions as to expenses) arising in proceedings on any application to them.

(2) Notwithstanding anything in the preceding subsection—

(a) an application shall not be dealt with under a delegation made by virtue of paragraph (a) of the preceding subsection unless it is shown in the manner prescribed in pursuance of the Act of 1959 that there is no objection to the granting of the application on the part of the master of works or any other person on whom the application is required, by regulations made under section 2 of the Act of 1959, to be served, and in any case where it is not so shown the application shall be dealt with by the court; and

(b) any person aggrieved by a refusal of a committee of the court to grant, under a delegation made by virtue of paragraph (a) of the preceding subsection, an application made by him may require his application to be referred to, and dealt with by, the court.

(3) The convener of any committee of the court shall be appointed by the court, and the convener (or other member presiding at any meeting of a committee in the absence of the convener) shall have a casting vote as well as a deliberative vote.

PART XIV
—cont.

(4) The quorum of any committee of the court shall be fixed by the court and such committee may act notwithstanding any vacancy in their number if a quorum is present.

(5) For the purposes of this section “ delegate ” means remit to a committee with power to such committee to exercise on behalf of the court the jurisdiction and functions specified in the remit.

Provision of accommodation, etc., for dean of guild court.

151. The Corporation shall provide accommodation, with furniture, books and other requisites for the transaction of the business of the court.

Saving for common law rights of dean of guild court.

152. Nothing in this Order shall be in derogation of the rights, powers, privileges, functions and jurisdictions possessed by the court at common law or by usage as a dean of guild court of a royal burgh except so far as inconsistent with any provision of the Act of 1959.

C. *Officers of dean of guild court*

Clerk of dean of guild court.

153.—(1) The Corporation shall appoint a clerk of the court.

(2) Section 93 of the Act of 1947 (which relates to the appointment of depute or interim officers) shall, with any necessary adaptations, apply to the office of clerk of the court as if the clerk of the court were included among the officers referred to in subsection (1) thereof.

Legal assessors of dean of guild court.

154.—(1) The Corporation may appoint legal assessors to advise the court on questions of law.

(2) If any legal assessor is not available at any time the clerk of the court may appoint an interim legal assessor.

Other officers of dean of guild court.

155. The Corporation may appoint such other officers of the court as they consider necessary for the efficient discharge of the functions of the court, and every such officer shall hold office during the pleasure of the Corporation.

Payment of salaries, etc., of officers of dean of guild court.

156. The salaries, fees and expenses of the officers of the court shall be paid out of the burgh fund.

PART XV

BUILDINGS

A. *Buildings on new streets*

Prohibition of building to which access is obtained from new street until street defined, etc.

157.—(1) The dean of guild court shall not grant warrant for the construction of any building to which an access is obtained from a new street until—

(a) the Corporation have made an order authorising the construction of such street or, in the case of a street to be constructed by them, have resolved to construct such street; and

(b) the approved line, width and level of such street (or such length thereof as shall be necessary for forming a proper access to such new building) have been defined by posts or in some other suitable manner.

PART XV
—cont.

(2) (a) Where any such new street or length thereof has been so defined a person shall not occupy, or permit to be occupied, any new building to which an access is obtained from such street or length thereof until—

(i) the carriageway and footway of such new street (or length thereof) have been completed (in accordance with the terms of the relative order in the case of a street authorised by a new street order), or, pending such completion, to such modified extent approved by the city engineer as sufficient for the purpose of access to such building; and

(ii) such new street, or length thereof, has been sewered.

(b) Where access to such new building is provided by means of a footpath in addition to the access from the street, sub-paragraph (i) of the preceding paragraph shall, with any necessary adaptations, apply with respect to the completion of such footpath as it applies with respect to the completion of the carriageway and footway of the new street.

(c) Any person acting in contravention of this subsection shall be guilty of an offence and, in the case of a street authorised by a new street order, the Corporation may construct so much of the carriageway, footway and footpath and of the sewerage works as should have been constructed, and the expense reasonably incurred in so doing shall be recoverable by them from the person in default.

(3) Nothing in this section shall apply in relation to any building required to be constructed for the housing of apparatus of the electricity board or the gas board.

B. Public buildings

158.—(1) (a) The master of works may, by notice, require the owner of any public building to execute any works on such building necessary to minimise the risk to the public in the event of fire or other danger.

Power to require fire and other precautions in public buildings.

(b) Where any public building in relation to which a notice under the preceding paragraph has been served is not occupied by the owner a copy of such notice shall be sent by the master of works to the occupier as nearly as practicable at the same time as the notice is served on the owner.

(c) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) (a) If, in the opinion of the master of works, immediate action should be taken in the case of any public building in order to minimise the risk to the public in the event of fire or other danger the sheriff may, on the application of the master of works, interdict the owner and occupier of such building from using it as a public building or permitting it to be so used.

PART XV
—cont.

(b) The master of works shall not be personally liable for any expenses or damages which he may incur in relation to, or arising out of, any proceedings under the preceding paragraph, and any such expenses and damages shall be paid out of the burgh fund.

(3) This section shall not apply in relation to premises licensed for entertainment.

C. Maintenance of buildings

Prevention of water flowing on to footway.

159. The master of works may, by notice, require the owner of any building or other premises fronting or adjoining a street to execute any works, including the provision of rhones, down pipes, channels or gutters (being works of replacement or maintenance) necessary to prevent, so far as is reasonably practicable, water from such building or other premises falling upon the street or flowing on to, or over, the footway thereof.

Repair, etc., of structure, etc., of buildings.

160.—(1) When from decay, or in consequence of storm or otherwise, the structure of part of any building or anything affixed to any building, or any wall or fence connected with, or pertinent to, a building has become insecure, worn out or damaged or is in need of repair, the master of works may, by notice, require the owner of such building to execute any works necessary for securing, restoring or repairing such structure, fixture, wall or fence.

(2) This section shall not apply in relation to any advertisement to which regulations under section 29 of the Planning Act apply.

As to execution of works required under head C of Part XV.

161.—(1) If any works required to be executed by any owner in pursuance of a notice under this head of this Part of this Order are not executed within the period specified therein, the master of works may serve notice upon such owner requiring him to show cause to the dean of guild court why such works should not be executed by the master of works, and if such owner fails to show cause as aforesaid such works may be executed by the master of works, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such owner.

(2) Notwithstanding anything in this head of this Part of this Order the master of works may, in a case of emergency (of which he shall be the sole judge), execute without notice any such works on any building as he could have required by notice under the preceding section, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the owner of such building.

As to notices and allocation of expense for purposes of head C of Part XV in relation to tenements.

162.—(1) Where any building comprises a tenement the owner of every part of such building which is separately owned shall, for the purposes of this head of this Part of this Order, be deemed to be the owner of such building, and notices shall be served upon the owner of every such part accordingly.

(2) Every owner of every such part of such building shall be liable to the Corporation for any expense incurred by the master of works in executing any works in pursuance of this head of this Part of this Order in the proportion which the net annual value of the part of such building

owned by him bears to the aggregate of the net annual value of the whole of such building at the date when the works were completed, but nothing in this section shall affect any right competent to any owner of any part of such building, under the conditions of his title or otherwise, to recover from the owner of any other part the amount, or any part thereof, paid by, or recovered from, him.

PART XV
—cont.

(3) For the purposes of the preceding subsection the expression "net annual value", in relation to any part of such building which is separately entered in the valuation roll, means the net annual value of such part and, in relation to any part of such building which, along with other lands and heritages (not being part of such building), is entered as a *unum quid* in the valuation roll, means the proportion of the net annual value of the subjects so entered which is applicable to such part according to an apportionment to be made by the city assessor.

163. Any person aggrieved by—

- (a) any requirement of a notice under this head of this Part of this Order; or
- (b) any apportionment made under subsection (3) of the preceding section;

Appeals against notices, etc., under head C of Part XV.

may appeal to the sheriff.

D. Special provisions with respect to tenements

164.—(1) The owner of premises in, or entering or having access from, any common stair or any basement used in common shall—

Repair, etc., of common stairs, etc.

- (a) in the case of a common stair having an open well-hole, provide and maintain handrails of sufficient height, or otherwise so constructed or guarded, as to prevent children climbing or sliding thereon;
- (b) provide and maintain any necessary fencing on the windows in such common stair; and
- (c) maintain the doors of such common stair, and the doors of all cellars opening into such common stair, and of any basements used in common.

(2) Any such owner failing to comply with any provision of the preceding subsection shall be guilty of an offence and the Corporation may execute any works reasonably necessary to remedy the defect, and the expense reasonably incurred in so doing shall be recoverable by them from such owner.

165. If any back green or open ground attached to any tenement containing eight or more separate dwellinghouses, or any court, passage or area used in common by the occupiers of such a tenement is not—

Back greens, courts, etc., to be paved.

- (a) so formed, flagged, asphalted or paved; or
- (b) provided with such works on, above, or below its surface;

as to allow of the satisfactory drainage of its surface or subsoil to a proper outfall, the city engineer may, by notice, require the owner of such tenement to execute any works necessary to remedy the defect.

PART XV
—cont.Protection of
pipes from
frost.

166.—(1) (a) The Corporation may, by notice, require the owner of any tenement to execute any works necessary to protect the water supply pipes and cisterns within such tenement against accident or stoppage from frost.

(b) Any owner aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) Section 162 (As to notices and allocation of expense for purposes of head C of Part XV in relation to tenements) of this Order shall, with any necessary adaptations, apply with respect to works required by a notice under the preceding subsection.

Water pipes
and soil and
waste pipes
may be carried
through
different parts
of tenements.

167.—(1) The owner of any part of a tenement may, with the consent of the Corporation, but without the consent of the owner or occupier of any other part of the tenement, lay and maintain water pipes, soil pipes and waste pipes in, through or across any common stair or court and upon the outside walls of the tenement, and through any basement thereof, and any ground or area connected therewith.

(2) Where it is necessary, in order to provide for the effectual drainage of any part of a tenement, that any soil pipe or waste pipe shall be carried through or under any other part of the tenement the owner of the part for which drainage is to be provided may, with the consent of the Corporation but without the consent of the owner or occupier of such other part, lay and maintain such soil pipe or waste pipe through such other part.

(3) Any owner exercising his rights under this section shall cause as little damage to property, and detriment and inconvenience to any person, as circumstances allow, and shall make good any damage done.

(4) Nothing in this section shall be in derogation of regulation 161 of the building standards regulations (which relates to the siting of soil pipes, etc., and the provision of ducts therefor).

*E. Height of chimneys*New building
overreaching
adjoining
chimneys.

168.—(1) Where after the commencement of this Order—

(a) any person constructs a building (in this section referred to as the “taller building”) to a greater height than an adjoining building; and

(b) any chimneys or flues of the adjoining building are in a party wall between the two buildings or in an external wall of the adjoining building;

the dean of guild court may, on the application of the master of works, make an order—

(i) requiring that person, within such period as may be specified in the order (not being less than two months), to increase the height of those chimneys or flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height

as the top of the chimneys of the taller building or, where there are no chimneys on the taller building, such height above the top of the taller building as may be prescribed in the order; and

PART XV
—cont.

- (ii) requiring the owner and occupier of the adjoining building to allow the first-mentioned person to enter on that building and execute any work necessary to comply with such order.

(2) If within fourteen days from the date of an order made under the preceding subsection, the said owner or occupier serves on the first-mentioned person and on the master of works a notice that he elects to execute the work himself, the owner or occupier shall comply with the order instead of the first-mentioned person and recover from that person the expense reasonably incurred by him in so doing.

(3) Any person aggrieved by an order made under subsection (1) of this section may appeal to the sheriff, and section 16 of the Act of 1959 (which relates to appeals against decisions of buildings authorities) shall, with any necessary adaptations, apply with respect to any such appeal.

(4) If—

- (a) any person required to increase the height of any chimneys or flues in accordance with an order made under subsection (1) of this section fails to comply with such requirement (except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building or the execution of any work necessary to comply with such requirement or has served a notice as aforesaid); or
- (b) any person required to allow entry on his building in accordance with any such order fails to allow such entry, or having served a notice as aforesaid, fails to comply with such requirement;

he shall be guilty of an offence, and the master of works may execute any work necessary to increase the height of any chimneys or flues in accordance with the requirement of such order, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the person constructing the taller building.

F. Miscellaneous

169. Regulation 197 of the building standards regulations (which requires that every window above the ground storey of a house, not being a roof-light, shall be so constructed as to enable the outside of the window to be cleaned safely from inside the house) shall, in its application to the city, also extend and apply in relation to the construction of the windows in buildings of any other classification:

Construction of
windows.

Provided that in special circumstances the dean of guild court may dispense with the requirements of the said regulation in the case of any such buildings.

PART XVI

FIRE PRECAUTIONS

A. Gas indication plates

Definitions for head A of Part XVI.

170. In this head of this Part of this Order—

“building” means any building supplied with gas—

(a) through a service pipe of which the bore exceeds 2 inches; or

(b) through a service pipe of which the bore does not exceed 2 inches if such building is used or is intended to be used—

(i) as a public building; or

(ii) as an hotel, restaurant, school, hospital, boarding-house, common lodging-house, farmed-out house, fried-fish shop or laundry; or

(iii) for any purpose which gives rise to an excessive risk of fire; and

“gas indication plates” means plates indicating the position of the valve or cock on the service pipe by which a building is supplied with gas.

Power to require gas indication plates.

171.—(1) (a) The Corporation may, by notice, require the owner of a building to affix gas indication plates in or on such building.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) (a) The owner of a building in or on which gas indication plates have been affixed shall maintain such plates.

(b) Any owner acting in contravention of this subsection shall be guilty of an offence and the Corporation may renew such gas indication plates and the expense reasonably incurred in so doing shall be recoverable by them from such owner.

(3) The Corporation may enter into agreements with owners of buildings with respect to providing, affixing, maintaining and renewing gas indication plates.

Penalty for interference with gas indication plates.

172. Any person knowingly covering, concealing, removing, altering, defacing or destroying any gas indication plate shall be guilty of an offence.

B. Fire precautions in certain buildings used as places of assembly

Power to require fire precautions in certain buildings used as places of assembly.

173.—(1) Where, upon consideration of a report by the firemaster, the Corporation are of opinion that there is an undue risk of fire in any building to which this section applies or, in the event of fire,

an undue risk of injury or danger to persons resorting to such building (having regard to the number of persons likely to resort to the building at any one time) the Corporation may, by notice:—

PART XVI
—cont.

(a) require the owner of such building—

(i) to provide satisfactory and sufficient means of ingress and egress and passages and gangways; and

(ii) to alter any installation, apparatus and fittings for the lighting and heating of the building, or to provide a new installation, apparatus or fittings for such purposes; and

(b) require the occupier of such building—

(i) to fix the chairs and seating accommodation securely in a satisfactory position;

(ii) to secure that open fires or stoves shall be suitably and adequately protected; and

(iii) to provide adequate fire-fighting appliances in the building.

(2) Where any building in relation to which a notice under the preceding subsection has been served is not occupied by the owner—

(a) a copy of the notice served on the owner shall be sent by the Corporation to the occupier; and

(b) a copy of the notice served on the occupier shall be sent by the Corporation to the owner;

in each case as nearly as practicable at the same time as the notice is served on the owner or the occupier, as the case may be.

(3) Any person aggrieved by any requirement of a notice under subsection (1) of this section may appeal to the sheriff.

(4) (a) The person having the control of any building to which this section applies shall ensure—

(i) that the means of ingress and egress and the passages and gangways shall be left free and unobstructed; and

(ii) that the fire-fighting appliances are maintained;

at all times during which the persons referred to in subsection (6) of this section are assembled in the building:

Provided that sub-paragraph (i) of this paragraph shall not apply in relation to any building if the person having the control of that building has not control over the use of the part of the building used as a place of assembly by persons and for the purposes referred to in subsection (6) of this section.

(b) Any person acting in contravention of any provision of this subsection shall be guilty of an offence.

(5) If, in the opinion of the Corporation, immediate action for the prevention or reduction of danger from fire should be taken in the case of any building to which this section applies the sheriff may, on the application of the Corporation, interdict the owner and occupier of such building from using it, or permitting it to be used, for the purposes mentioned in the succeeding subsection.

PART XVI
—cont.

(6) This section applies to any building used, whether occasionally or not, by the members of any club, organisation or other body which has been formed for the purposes of, or the objects of which include, the entertainment of, or participation in dancing or the playing of games by, the members thereof, but shall not apply in relation to any premises licensed for entertainment, provided that the conditions attached to the licence or permit in respect of such premises are complied with while the premises are being used for such purposes.

C. Registration of premises used for storage of paraffin oil

Premises used for storage of paraffin oil to be registered.

174.—(1) (a) A person shall not use for the storage of paraffin oil for the purposes of sale or trade any premises to which this section applies unless such premises have been registered by the Corporation as being suitable for such purposes and the Corporation are satisfied that—

- (i) adequate means of escape in case of fire have been or will be provided;
- (ii) adequate fire-fighting appliances have been or will be provided in the premises; and
- (iii) notices indicating the existence of danger from fire will be exhibited in the premises in such characters and in such positions as to be conveniently read by persons resorting thereto.

(b) An application for registration under this section may be made by an owner or occupier of premises, but where an application is made by an occupier who is not the owner evidence of the consent of the owner shall be produced to the Corporation.

(c) The Corporation shall charge a fee of £1 for each application for registration under this subsection.

(d) Any person using any premises in contravention of this subsection shall be guilty of an offence.

(2) The Corporation, in registering any premises under this section, may prescribe requirements as to means of escape, fire-fighting appliances or notices, and they may at any time, by notice to the occupier, vary their requirements as to means of escape, fire-fighting appliances or notices.

(3) Any person aggrieved by—

- (i) any refusal of the Corporation to register any premises under this section; or
- (ii) any requirement, or variation of a requirement, of the Corporation under the preceding subsection; or
- (iii) any refusal of the Corporation to grant a consent under this section, or any conditions prescribed by the Corporation with reference to a consent granted under this section;

may appeal to the sheriff.

(4) (a) If the occupier of any premises registered under this section fails—

- (i) to maintain in such premises any means of escape in case of fire required to be provided, or to keep such means of escape free from obstruction; or

- (ii) to maintain in such premises any fire-fighting appliances required to be provided; or
- (iii) to exhibit the notices required to be exhibited in pursuance of, and in conformity with, subsection (1) (a) (iii) of this section; or
- (iv) to comply with any requirement of the Corporation under subsection (2) of this section;

PART XVI
—cont.

he shall be guilty of an offence.

(b) (i) The owner or occupier of any premises registered under this section shall not, without the consent of the Corporation, carry out any material extension or material alteration of such premises.

(ii) Any owner or occupier acting in contravention of this paragraph shall be guilty of an offence.

(5) The sheriff may, on the application of the Corporation, interdict the owner and occupier of any premises—

- (a) which are being used in contravention of subsection (1) of this section; or
- (b) in relation to which any provision of paragraphs (a) or (b) of the preceding subsection is being contravened;

from using such premises, or permitting them to be used, for the storage of paraffin oil for the purposes of sale or trade.

(6) For the purposes of this section “paraffin oil” means the product of petroleum commonly known as “paraffin oil” or “kerosene”, whatever its descriptive or trade name, which is used or intended to be used as fuel.

(7) This section applies to any premises forming part of a building of which any other part comprises a dwellinghouse or a place in which any person works, not being premises—

- (a) within the harbour and docks of Leith or within Granton Harbour; or
- (b) in relation to which the following conditions are fulfilled:—

(i) the paraffin oil stored therein is stored in separate glass, earthenware or metal vessels, securely sealed or stoppered, and containing not more than 1 pint each, and the aggregate amount so stored does not exceed 3 gallons; or

(ii) the quantity of paraffin oil stored therein does not exceed 100 gallons and is stored in one or more tanks or containers approved by the Corporation, or by an authorised officer, a list of which approved tanks or containers shall be kept at the office of the town clerk and shall be open to the inspection of all persons interested free of charge at all reasonable hours:

Provided that, in relation to any premises to which condition (ii) of this subsection relates, adequate means of extinguishing fire are provided and maintained by the occupier.

PART XVI
—cont.
1961, c. 34.

(8) Nothing in this section shall be in derogation of the Factories Act, 1961, or the Offices Act, or any regulations made under either of those Acts.

D. Luminous tube signs

Firemen's
switches for
luminous tube
signs.

175.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts or other equipment so designed, and of the transformers required to raise the voltage so as to operate the signs or equipment, not being apparatus which—

- (a) is inside a building and is attended while in operation; or
- (b) is used for lighting only and is fitted with a readily accessible switch on the low-voltage side of the transformer.

(2) (a) Apparatus to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer, and the switch shall be so placed and coloured or otherwise marked as to satisfy such reasonable requirements as the Corporation may prescribe to ensure that it shall be readily accessible to, and recognisable by, firemen.

(b) The owner or the occupier of premises where apparatus is installed which does not comply with the requirements of the preceding paragraph shall be guilty of an offence.

(3) (a) Not less than ten days before work is begun to instal apparatus to which this section applies the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed, and how it is to be coloured or otherwise marked.

(b) Any person who fails to give notice as required by the preceding paragraph shall be guilty of an offence.

(4) (a) Where notice has been given to the Corporation as required by the preceding subsection the proposed position, colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless within ten days from the date of service of the notice the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(b) Any person aggrieved by a counter-notice served under the preceding paragraph may appeal to the sheriff.

(5) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(6) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations, 1937, or any regulations under section 60 of the Electricity Act, 1947.

1947, c. 54.

(7) (a) This section shall not apply in relation to premises in respect of which a cinematograph licence is in force.

(b) (i) Where any luminous tube sign to which, but for the preceding paragraph, subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall

give notice to the Corporation before such apparatus is fitted informing them of the position in which it is proposed to place the cut-off switch.

(ii) Any person acting in contravention of the preceding subparagraph shall be guilty of an offence.

E. Fire precautions in buildings in which animals are housed

176.—(1) Where any building to which this section applies is not provided with proper and sufficient means of escape for the animals therein in case of fire, or where the nature of the building is such, or the materials of which it is constructed are such, as to involve an undue risk to such animals in the event of fire the Corporation may, by notice, require the owner of such building:—

- (a) to provide such means of escape; or
- (b) to take such steps; or
- (c) to execute such works;

as are reasonably practicable to minimise such risk.

(2) Where the means of escape in case of fire provided in connection with any such building, or any precautions against the risk in the event of fire to animals housed in any such building have become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the Corporation may, by notice, require the owner to execute any works necessary to make such means of escape or precautions adequate and, if so required by such notice, to provide further or other means of escape.

(3) Where the storage of combustible materials in any building to which this section applies constitutes or is likely to constitute a danger to the animals therein in the event of fire, the Corporation may, by notice, require the owner to execute any works, provide any apparatus or appliances, or take any steps, reasonably necessary to avoid such danger.

(4) Any person aggrieved by any requirement of any notice under this section may appeal to the sheriff.

(5) (a) All works executed, and all fire-fighting appliances provided, in pursuance of this section, shall be maintained by the occupier of the building.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(6) This section applies to any building used for the housing of horses, cattle, sheep, swine, dogs, cats and poultry (all of which are referred to in this section as "animals"), not being premises in respect of which a licence under the Animal Boarding Establishments Act, 1963, or the Riding Establishments Act, 1964, is in force.

1963, c. 43.
1964, c. 70.

(7) (a) This section shall not apply in relation to animals kept as pets by the occupier of the building.

(b) Nothing in this section shall be in derogation of the Pet Animals Act, 1951.

PART XVI
—cont.

Power to require portable fire-fighting appliances in certain buildings.

F. Provision of portable fire-fighting appliances in certain buildings

177.—(1) (a) The Corporation may, by notice, require the occupier of any building to which this section applies to provide portable fire-fighting appliances in such building.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) (a) All fire-fighting appliances provided in any building to which this section applies shall be maintained by the occupier.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(3) This section applies to any hotel, restaurant (not being a restaurant forming part of premises in respect of which a cinematograph licence is in force), school, hospital, boarding-house, common lodging-house, farmed-out house or fried-fish shop.

(4) Nothing in this section shall be in derogation of the Offices Act.

G. General

Owners or occupiers may be required to meet expense of requirements under Part XVI.

178. If the owner or the occupier of any building alleges that the occupier (in the case of a notice served on the owner) or the owner (in the case of a notice served on the occupier) of the building to which a notice under this Part of this Order relates should bear, or contribute to, the expense of complying with any requirement of such notice, the sheriff may, on the application of such owner or occupier, as the case may be, make such order as appears to him just and equitable in all the circumstances.

Saving for liability in respect of Part XVI.

179. Nothing in this Part of this Order shall impose on the Corporation any liability in respect of injury to persons or damage to property.

PART XVII

PUBLIC SAFETY AND ORDER, ETC.

A. Definitions for Part XVII

Definitions for Part XVII.

180. In this Part of this Order:—

“ placard ” includes an advertisement, notice or announcement; and

“ sports ground ” includes a football ground and any lands or premises on which races of any description, athletic sports or other sporting events take place, and to which the public is admitted for payment.

B. Public safety

Power to provide life-saving appliances.

181. The Corporation may provide life-saving appliances at any place, whether used for bathing or not.

Power to require first-aid appliances certain premises.

182.—(1) (a) The Corporation may, by notice, require the occupier of any public building or sports ground to provide first-aid appliances in such public building or sports ground.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

PART XVII
—cont.

(2) (a) All first-aid appliances provided in any public building or sports ground shall be maintained by the occupier.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(3) This section shall not apply in relation to premises in respect of which a cinematograph licence is in force.

183.—(1) (a) A person shall not carry out blasting operations without a permit from the city engineer.

Blasting operations not to be carried out without permit.

(b) Every application for a permit under this section shall be made in writing at least forty-eight hours before it is intended to carry out the blasting operations.

(c) The city engineer may attach to any permit under this subsection such conditions as he considers appropriate for the prevention of danger or annoyance to the public.

(2) Any person carrying out blasting operations without a permit under the preceding subsection shall be guilty of an offence.

(3) Nothing in this section shall—

(a) be in derogation of the Explosives Acts, 1875 and 1923, the 1954, c. 70. Mines and Quarries Act, 1954, or the Factories Act, 1961, 1961, c. 34. or of any regulation or order made under any of those Acts; or

(b) apply to any mine within the meaning of the Mines and Quarries Act, 1954.

C. Public order

184.—(1) Any person intending to organise or conduct a street procession shall give notice thereof, of the route proposed to be taken, and of the date and time on and at which it is intended that such procession will take place, to the town clerk not less than seven days before the day proposed for such procession.

Street processions.

(2) Any person organising or conducting any street procession—

(a) without notice having been given in pursuance of the preceding subsection; or

(b) otherwise than in accordance with such notice (except where the proposals contained in such notice have been varied by an order under paragraph (a) (ii) of the succeeding subsection);

shall be guilty of an offence.

PART XVII
—cont.

(3) (a) The Corporation may make—

- (i) an order prohibiting any street procession; or
- (ii) such order as they consider necessary in the interests of public safety and order on the occasion of any street procession, and any such order may prescribe the route to be observed by any such procession and the date and time of the procession.

(b) Any person acting in contravention of an order made by the Corporation under this subsection shall be guilty of an offence.

(4) This section shall not apply in relation to a public or ceremonial procession regularly held.

(5) Nothing in this section shall be in derogation of the Public Order Act, 1936.

1936, c. 6.
(1 Edw. 8 &
1 Geo. 6).Orders as to
traffic on
special
occasions.

185.—(1) (a) The Corporation may from time to time on any occasion when the streets are liable to be thronged, or the traffic is likely to be abnormal, or when the passage of traffic through any street is likely to be impeded, make orders for all or any of the following purposes:—

- (i) stopping or regulating in, or diverting temporarily from, any street, traffic of all classes or of such classes as may be specified in any such order;
- (ii) prescribing the routes to be observed by all vehicles or vehicles of different classes;
- (iii) keeping order; and
- (iv) preventing obstruction.

(b) The Corporation shall give notice by advertisement forthwith of any order made under this subsection.

(2) Any person acting in contravention of any order under the preceding subsection shall be guilty of an offence.

Prevention of
assemblies
causing
obstruction.

186.—(1) Where—

- (a) any demonstration or display in any shop window; or
- (b) any placard exhibited in any premises; or
- (c) the playing of any musical instrument in any premises; or
- (d) the use of a loudspeaker in any premises;

causes persons to assemble and obstruct the free passage in any street or common stair, any constable may require the occupier of the premises in or upon which such demonstration or display is taking place, or such placard is exhibited, or such musical instrument is being played, or loudspeaker is situated, to—

- (i) discontinue such demonstration or display; or
- (ii) remove such placard or, at the option of the occupier, screen it from public view; or

- (iii) discontinue the playing of such musical instrument or the use of such loudspeaker.

PART XVII
—cont.

(2) Any occupier failing to comply forthwith with any requirement under the preceding subsection shall be guilty of an offence.

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

Byelaws as to
queues
for public
service vehicles.

(2) Any byelaws made under this section may differentiate between different classes of public service vehicles.

(3) A printed copy, or sufficient abstract, of any byelaws made under this section shall be exhibited by the Corporation in such characters, at such places and in such positions as to secure that adequate notice is given to the public of the effect of such byelaws.

D. Control of loudspeakers.

188.—(1) (a) A person shall not, without the consent of the Corporation, operate any loudspeaker in any street.

Loudspeakers
not to be used
in streets
without
consent.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) This section shall not apply in relation to the use of a loudspeaker—

(a) by the Corporation in the execution of their duties; or

(b) for fire brigade, ambulance, police or civil defence purposes;
or

(c) in connection with a parliamentary election on or between the date of the issue of the writ of election and the date of the declaration of the result of the election; or

(d) in connection with a local government election on or between the day appointed for giving notice of the election and the day on which a candidate is deemed or declared to be elected;
or

(e) forming part of a wireless receiving or transmitting set on or inside a motor vehicle, used for the private purposes of the occupants of the vehicle, or for communication with them in connection with their trade or business, and not used so as to be an annoyance to persons in a street; or

(f) in any public service vehicle solely for the purpose of announcements to passengers therein and not used so as to be an annoyance to persons in a street; or

(g) in case of emergency.

PART XVII
—cont.

Byelaws as to
loudspeakers.

189.—(1) (a) The Corporation may make byelaws for either or both of the following purposes:—

- (i) regulating and controlling the use in any premises of loudspeakers which are audible in any street or in any other premises; and
- (ii) prohibiting the use of loudspeakers for advertising purposes in any premises in such a manner as to be audible in any street or in any other premises.

(b) For the purposes of this subsection any use of a loudspeaker in any shop shall be deemed to be a use for advertising purposes.

(2) (a) Nothing in the preceding subsection or in any byelaws made thereunder shall apply in relation to the use of a loudspeaker—

- (i) by the railways board or operators of public service vehicles for the purpose of announcements to their passengers or staff at any station or depot; or
- (ii) for the purpose of announcements (other than by way of advertising) at any sports ground, on the occasion of and in connection with sporting events at such sports ground; or
- (iii) in any premises licensed for entertainment.

(b) For the purposes of sub-paragraph (ii) of the preceding paragraph advertising shall not include the announcement of forthcoming sporting events at the same sports ground.

PART XVIII

STREETS

A. Vesting, etc., for Part XVIII

Vesting of
public streets.

190. Subject to the provisions of this Part of this Order, all streets, carriageways or footways, or parts thereof, which were vested in the Corporation at the commencement of this Order shall continue vested in them for the purposes of this Part of this Order.

Vesting of land
acquired for
street purposes.

191. Subject to the provisions of this Order, all land acquired by or ceded to the Corporation for the purpose of constructing, widening or improving public streets shall vest in them without the necessity of any disposition or other conveyance of such land in their favour.

List of public
streets.

192.—(1) The Corporation shall maintain, and shall keep corrected up to date, a list of public streets and of all carriageways and footways, or parts thereof, for the maintenance of which they have undertaken responsibility.

(2) The omission of any street from the list of public streets shall not of itself infer that such street is not a public street.

(3) The list of public streets shall be kept in the office of the city engineer and may be inspected by any person free of charge at all reasonable hours.

PART XVIII
—cont.

B. Construction of new streets by Corporation

193.—(1) The Corporation may construct a public street upon any land vested in them, and as part of the construction of any public street they may construct—

Construction of
new streets by
Corporation.

- (a) a bridge or tunnel to carry the street;
- (b) dual carriageways, cycle tracks and roundabouts; and
- (c) footbridges over the street.

(2) The construction of a tunnel under the powers of the preceding subsection shall be carried out only under a public street or in land vested in the Corporation.

(3) Nothing in subsection (1) of this section shall authorise the construction of a bridge over, or a tunnel under, any navigable waters, but the provisions of this subsection shall not affect the powers of the Corporation with respect to the maintenance, improvement or reconstruction of any existing bridge carrying a street over navigable waters.

194. The Corporation may enter into agreements with any persons for the construction by the Corporation of public streets through the lands of such persons partly at the expense of such persons and partly at the expense of the Corporation.

Agreements
with private
developers as
to construction
of new streets.

C. Naming of streets and numbering of premises in streets

195.—(1) The Corporation shall determine the name by which every street shall be distinguished.

Naming of
streets.

(2) (a) The Corporation may from time to time alter the name of any street.

(b) Notice of any such alteration shall be given by the Corporation forthwith by advertisement.

(3) The Corporation shall affix, paint or mark the name of every street on a conspicuous part of any premises, fence, lamp-post, pole, standard or other structure in such street, and for such purpose they may erect poles, standards or other structures in such street.

196.—(1) The Corporation may, by notice, require the owner of any premises in any street to affix or paint on such premises a distinguishing number in such position and style as may be prescribed in such notice.

Numbering of
premises in
streets.

(2) The Corporation may from time to time, by notice, require the owner of any such premises to alter such number or, when necessary, to renew it.

PART XVIII
—cont.

(3) Any owner who affixes, paints or marks on any premises any number other than the number prescribed in a notice under this section shall be guilty of an offence.

Register of alterations in numbers of premises in streets.

197. The Corporation shall keep a register of all alterations made by them in the numbers of premises in streets, and such register shall be kept in the office of the city engineer and may be inspected by any person free of charge at all reasonable hours.

D. Maintenance and improvement of streets
Definitions for head D of Part XVIII

Definitions for head D of Part XVIII.

198. In this head of this Part of this Order—

- “fence” includes rail, and cognate expressions shall be construed accordingly; and
“tree” includes a shrub.

Powers of maintenance and improvement

Maintenance, improvement, etc., of public streets.

199.—(1) The Corporation may from time to time execute any works necessary for maintaining, altering, widening, improving or renewing public streets, including—

- (a) the construction of dual carriageways, the division of carriageways, the construction of roundabouts and the variation of the relative widths of carriageways and footways;
- (b) the construction of cycle tracks;
- (c) the construction, widening and reconstruction of bridges carrying streets;
- (d) the construction, widening and reconstruction of footbridges over streets; and
- (e) the alteration of the levels of streets.

(2) The Corporation shall, subject to the provisions of this Order, pay compensation to the owners and occupiers of any lands or premises injuriously affected by any operations under paragraphs (c), (d) or (e) of the preceding subsection.

Maintenance of footway of Lothian Road.

200. The Corporation may from time to time, on giving reasonable notice to the authorities of the respective churches, enter upon the churchyards or burial grounds of, and land attached to or adjoining, the Church of St. John the Evangelist and St. Cuthbert's Parish Church for the purpose of maintaining and renewing the footway of Lothian Road and the piers supporting the same.

Prevention of danger or annoyance to users of streets

Guard rails, refuges, etc., in streets.

201. The Corporation may in any public street construct and maintain such raised paving, pillars, walls, fences or apparatus, temporary or permanent, and execute such other works, temporary or permanent, as they consider expedient for the protection of the public.

Fencing of sunk areas, etc., fronting or adjoining streets.

202.—(1) The owner of every sunk area, or other land fronting or adjoining a street which is on a lower level than such street, shall provide and maintain fencing of sufficient height and so situated and constructed as to obviate danger to persons using such street.

(2) Any owner acting in contravention of the preceding subsection shall be guilty of an offence and the Corporation may provide such fencing, and the expense reasonably incurred in so doing shall be recoverable by them from such owner.

PART XVIII
—cont.

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

Fencing of
lands and
premises
fronting streets.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) The preceding subsection shall not apply in relation to any land requiring to be fenced in pursuance of the Railways Clauses Act, so long as used for railway purposes.

204.—The Corporation may erect pawl posts in any street.

Pawl posts in
streets.

205.—(1) (a) Where any tree or hedge overhangs any street so as to—

Lopping of
overhanging
trees, hedges,
etc.

- (i) endanger persons or obstruct the passage of vehicles or pedestrians; or
- (ii) obstruct or interfere with the light from any public lamp; or
- (iii) obstruct the view of drivers of vehicles;

the Corporation may, by notice, require the owner or occupier of the land on which such tree or hedge is growing, to lop or cut it so as to prevent such obstruction, interference or danger.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) Nothing in the preceding subsection shall impose on the Corporation any liability in respect of injury to persons or damage to property.

206.—(1) For the purpose of promoting public safety and facilitating traffic, the Corporation may, by notice to the owners of any lands situated at, or within 50 yards from, the corner of any street, prescribe the height of fences, boundary walls, trees and hedges at, or within 50 yards from, such corner.

Height of
fences, trees,
hedges, etc., at
corners of
streets.

(2) (a) A person on whom a notice under the preceding subsection has been served shall not construct a fence or wall or permit a tree or hedge to grow to a greater height than that prescribed by the notice.

(b) Any person acting in contravention of this subsection shall be guilty of an offence and the Corporation may enter upon the land and reduce the height of such fence, wall, tree or hedge to the height prescribed by them, and the expense reasonably incurred in so doing shall be recoverable by them from the owner in default.

PART XVIII
—cont.

(3) (a) The Corporation may, by notice, require the owners of such lands to reduce the height of any existing fence, wall, tree or hedge which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(b) Where the height of any existing fence, wall, tree or hedge is reduced in pursuance of a notice under this subsection the Corporation shall, subject to the provisions of this Order, pay compensation to the owners and occupiers of any lands injuriously affected thereby.

(c) Compensation shall not be paid a second time in consequence of the growth of any tree or hedge above the height prescribed in such notice.

(4) Any person aggrieved by any requirement of any notice under this section may appeal to the sheriff.

(5) The owner of the land to which any notice under this section relates may, notwithstanding any agreement with the occupier, take any steps necessary for complying with the requirements of such notice.

Prevention of soil, etc., being washed into streets.

207.—(1) The Corporation may, by notice, require the owner or occupier of any land fronting or adjoining any public street to execute any works necessary for preventing soil or refuse from that land falling, or being washed or carried, on to such street or into any sewer or gully therein in such quantities as to be likely to obstruct such street or choke such sewer or gully.

(2) Any person aggrieved by any requirement of a notice under the preceding subsection may appeal to the sheriff.

Carrying off rainwater, etc., from bridges.

208.—(1) The owner of any railway or aqueduct which is carried by means of a bridge over any street shall provide and maintain a screen under such bridge, or take such other steps as may be necessary for carrying off the rainwater, or any moisture flowing from or percolating through such bridge as will prevent the same falling on such street.

(2) If any such owner fails to comply with the requirements of the preceding subsection the Corporation may provide a screen, or carry out works of maintenance of a screen already provided, or take such other steps, as the case may be, and the expense reasonably incurred in so doing shall be recoverable by them from the owner in default.

As to building materials, etc., deposited on streets.

209.—(1) Every person who occupies any portion of a street for the purpose of depositing building materials or otherwise in connection with operations for constructing, maintaining or demolishing any building without permission under section 8 of the Act of 1959, or otherwise than in accordance with such permission (including the conditions, if any, to which the permission is subject) or continues such occupation beyond the period permitted, shall be guilty of an offence.

(2) The Corporation may remove and dispose of any building materials deposited on any street and left unenclosed, or allowed to remain longer than necessary, and the expense reasonably incurred in so doing shall be recoverable by them from the person in default.

PART XVIII
—cont.

210.—(1) Where the Corporation are executing works in any street they shall:—

Precautions to be taken by Corporation in executing works in streets.

(a) erect any barriers necessary for—

(i) preventing danger to the public; and

(ii) regulating traffic;

(b) cause the works to be properly guarded and lit from sunset to sunrise; and

(c) where the nature of the work so requires, cause any building adjoining the street to be shored up or otherwise protected.

(2) Nothing in the preceding subsection shall be in derogation of section 8 of the Act of 1950 (which contains requirements as to safety, etc., during and in connection with the execution of certain works in streets and in controlled land).

Construction of footways of public streets

211.—(1) The Corporation may, by notice, require the owners of any lands fronting or adjoining, or having access to, any public street, to cause footways to be constructed before their respective lands.

Construction of footways of public streets.

(2) (a) Where the lands of any owner front any street for a continuous length exceeding 100 yards and such lands are unfeued or unbuilt on, or are not laid out or used as a pleasure ground or pertinent of a house, the Corporation shall not be entitled to require such owner to construct such footway, but they may themselves cause it to be constructed in so far as they consider necessary and for that purpose they may enter upon such lands.

(b) The Corporation may recover from such owner the expense reasonably incurred by them in the construction of such footway when the lands fronting it are:—

(i) feued or built upon; or

(ii) laid out or used as a pleasure ground or pertinent of a house.

(c) All expense incurred by the Corporation under this subsection, so far as recoverable from the owner, shall be recoverable in the manner in which expense incurred by the Corporation in connection with works on private streets is recoverable under this Order.

(3) Footways constructed under the powers of this section shall, on completion, vest in the Corporation as public footways.

(4) Nothing in this section shall empower the Corporation to enter upon operational land of any statutory undertakers without the consent of the undertakers concerned.

PART XVIII
—cont.Construction of
footways in
front of new
buildings.

212.—(1) Any person who proposes to construct a building fronting a public street where there is no existing footway, or a footway of less width than 7 feet, 6 inches between the carriageway of such street and the lands upon which it is proposed that the building shall be constructed, shall make provision on such lands for, and shall construct, a footway of such breadth, not exceeding 7 feet, 6 inches, as the Corporation may, by notice, require.

(2) Footways constructed under the powers of this section shall, on completion, vest in the Corporation as public footways.

*Grass margins, trees, etc.*Grass margins,
etc., in streets.

213.—(1) The Corporation may:—

- (a) lay out and maintain grass or other margins in any part of any public street;
- (b) plant any part of any public street with trees;
- (c) protect any such grass or other margins or trees with suitable guards or fences;
- (d) from time to time add any part or the whole of such grass or other margins to the carriageway or footways of any such street; and
- (e) in the case of a private street permit the owners to do anything specified in this subsection on such conditions as may be prescribed by the Corporation.

(2) Nothing in this section shall empower the Corporation to prevent reasonable access to any land or premises fronting or adjoining such street from the carriageway or footways thereof.

(3) For the purposes of section 7 of the Telegraph Act any work done in the exercise of the powers conferred by this section shall be deemed to be works done in the execution of an undertaking authorised by an Act of Parliament and the Corporation or any such owners carrying out the work shall be deemed to be the undertakers.

Pleasure
grounds, etc.,
in streets.

214. The Corporation may:—

- (a) lay out and maintain enclosures or pleasure grounds in any public street and provide them with fences, gates and seats; and
- (b) plant such enclosures or pleasure grounds with trees, flowers or grass.

*E. Pedestrian subways*Definition for
head E of
Part XVIII.

215. In this head of this Part of this Order:—

“pedestrian subway” means a subway for the use of pedestrians, and includes all accesses to, and concourses in, such subway.

216.—(1) The Corporation may construct and maintain pedestrian subways under public streets, and land adjacent to public streets, with all accesses thereto and concourses therein.

PART XVIII
—cont.

Power to
construct
pedestrian
subways.

(2) The Corporation may, in, or in connection with, any pedestrian subway:—

(a) provide and maintain escalators or other mechanical means of transporting persons; and

(b) provide shops, kiosks, display windows, advertising sites and public conveniences.

(3) If any pedestrian subway is constructed by the Corporation under any street fronting Princes Street Gardens the Corporation may utilise Princes Street Gardens for the formation of accesses to such pedestrian subway from any public street.

217. Notwithstanding anything in any enactment a person shall not, without the consent of the Corporation, enter upon, break up or interfere with any pedestrian subway for the purpose of laying down any main, pipe, cable or wire, or of executing any work therein or thereunder.

Restriction on
interference
with pedestrian
subways.

218.—(1) (a) The Corporation may make byelaws with respect to the management, control and use of pedestrian subways.

Byelaws as
to pedestrian
subways.

(b) Any byelaws made under this subsection may be made so as to apply only to such pedestrian subways as may be specified in the byelaws, and may contain different provisions for different pedestrian subways.

(2) A printed copy, or sufficient abstract, of any byelaws made under the preceding subsection shall be exhibited by the Corporation in each pedestrian subway to which they relate, in such characters and in such positions as to be conveniently read by persons resorting thereto.

219.—(1) The Corporation may, in relation to any street under which they have constructed a pedestrian subway, and any adjacent streets served by such subway, make byelaws prohibiting or restricting the crossing of such streets by pedestrians otherwise than by such subway at any point within 100 yards of any entrance to such subway, or within such lesser distance therefrom as may be prescribed in the byelaws.

Byelaws as to
crossing streets
where
pedestrian
subways
constructed.

(2) A printed copy, or sufficient abstract, of any byelaws made under the preceding subsection shall be exhibited by the Corporation on, or in the immediate vicinity of, the streets to which they relate, in such characters and in such positions as to secure that adequate notice is given to pedestrians of the effect of such byelaws.

220. The Corporation may close any pedestrian subway, temporarily to permanently.

Closing of
pedestrian
subways.

PART XVIII
—cont.

Saving for Postmaster General in respect of head E of Part XVIII.

221. Nothing in this head of this Part of this Order shall affect prejudicially any rights and powers of the Postmaster General under the Telegraph Acts, and in particular the temporary closing of any pedestrian subway shall not affect prejudicially the right of the Postmaster General to:—

- (a) maintain, inspect, renew or remove any telegraphic line in such pedestrian subway; or
- (b) enter upon or break open such pedestrian subway for the purposes of such maintenance, inspection, renewal or removal.

Saving for electricity and gas boards in respect of head E of Part XVIII.

222.—(1) Where, in consequence of the construction of a pedestrian subway, any apparatus of the electricity board or the gas board is required to be diverted:—

- (a) the electricity board or the gas board, as the case may be, shall be entitled to recover from the Corporation any additional expense reasonably incurred by them in consequence of the diversion in breaking open or reinstating any street, or in maintaining, inspecting, renewing or removing the apparatus; and
- (b) without prejudice to the generality of the preceding paragraph, the gas board shall be entitled to recover from the Corporation any expense reasonably incurred by that board in providing, installing, inspecting and maintaining any siphon the provision of which is necessary in consequence of the diversion.

(2) In exercising their powers under this head of this Part of this Order the Corporation shall cause as little inconvenience in relation to access by the electricity board or the gas board as the circumstances of the case will permit.

F. Control of operations or erections on, over or under streets

Licences to construct bridges over, and tunnels or subways under, streets.

223.—(1) The Corporation may grant to the owner of any lands or premises fronting a street a licence (hereinafter in this section referred to as a “licence”) to construct and use a way by means of a bridge over, or a tunnel or subway under, such street on such conditions, and (as regards use) during pleasure or for such limited period as the Corporation may prescribe.

(2) A licence shall not authorise any interference with:—

- (a) the convenience of persons using the street; or
- (b) apparatus or works of any statutory undertakers without the consent of such undertakers.

(3) (a) The owner of the lands or premises in respect of which a licence is granted shall, at his own expense, remove such bridge, or fill up such tunnel or subway, as the case may be, or alter such bridge, tunnel or subway in such manner as the Corporation may require, if at any time they consider such removal, filling up or alteration expedient in connection with the execution of improvements to the street.

(b) The decision of the Corporation that such removal, filling up or alteration is so expedient shall be final.

PART XVIII
—cont.

(4) The Corporation may require an applicant for a licence to pay a reasonable sum in respect of legal or other expenses in connection with the licence or the application therefor, but no other payment shall be exigible by them in respect of the licence or the application therefor.

(5) The owner of the lands or premises in respect of which a licence has been granted shall maintain the bridge, tunnel or subway to which such licence relates, and shall be liable in respect of any accident that may result from any default arising out of or in connection with such maintenance, and the Corporation shall not be under any liability in respect thereof.

(6) (a) Without prejudice to the code in Part II of the Act of 1950 (which regulates the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) any work authorised or required by a licence to be done by the person to whom the licence is granted shall, for the purposes of section 7 of the Telegraph Act, be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament, and the person carrying out the work shall be deemed to be the undertaker.

(b) For the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts, a bridge constructed or used in accordance with a licence shall be deemed to be part of the street which it crosses.

(7) Any person who:—

(a) constructs a bridge over, or a tunnel or subway under, a street without a licence; or

(b) constructs or uses a bridge over, or a tunnel or subway under, a street otherwise than in accordance with the conditions of the licence;

shall be guilty of an offence.

(8) The conditions of any licence shall be binding upon the applicant and every successive owner of the lands or premises in respect of which the licence was granted.

(9) The Corporation may remove any bridge over a street, or fill up any tunnel or subway under a street:—

(a) which has been constructed without a licence; or

(b) where the owner of the lands or premises in respect of which the licence was granted has failed to remove such bridge, or fill up such tunnel or subway, as the case may be—

(i) within twenty-eight days from the date of the determination of the licence (in the case of a licence granted during pleasure) or from the expiration of the licence, as the case may be; or

PART XVIII
—cont.

(ii) within twenty-eight days from the date of being required by the Corporation to do so in pursuance of subsection (3) of this section.

(10) This section shall not apply in relation to any bridge over a street, or tunnel or subway under a street, constructed under statutory powers.

Encroachments and projections on or over streets not to be made without consent.

224.—(1) (a) A person shall not, without the consent of the Corporation, make, fix or place:—

- (i) any erection, encroachment, obstruction or projection in, on, or over any street, or beyond the building line of any street; or
- (ii) any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a street.

(b) Any consent under the preceding paragraph may be granted during pleasure or for such limited period as the Corporation may prescribe.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence, and the Corporation may remove anything made, fixed or placed in contravention of that subsection and the expense reasonably incurred in so doing shall be recoverable by them from the person in default.

(3) Nothing in this section shall apply to an advertisement to which regulations under section 29 of the Planning Act apply.

Works on or under streets not to be executed without consent.

225.—(1) Subject to the provisions of this Order a person shall not, without the consent of the Corporation:—

- (a) make any alteration of, or opening on, the carriageway or footways of any street; or
- (b) construct any cellar under any street; or
- (c) lay any pipes under any street; or
- (d) construct any pavement lights, pavement crossings, gratings, or coal or other chutes in any street;

(all of which operations, and any similar operations executed before the commencement of this Order, are hereinafter in this head of this Part of this Order referred to as “works”).

(2) Any person who, after the commencement of this Order, executes any works without the consent of the Corporation shall be guilty of an offence unless he has other lawful authority for so doing.

(3) The Corporation may demolish, fill up or remove any works executed in contravention of subsection (1) of this section and may restore the surface of any street affected thereby, and the expense reasonably incurred in so doing shall be recoverable by them from the person in default.

(4) Where consent is given by the Corporation under subsection (1) of this section to any works during pleasure or for a limited period, the person to whom such consent has been given shall, on such consent being withdrawn, or on the expiration of such period, as the case may be, demolish, fill up or remove the works in respect of which such consent has been given and restore the street, failing which the Corporation may do so, and the expense reasonably incurred in so doing shall be recoverable by them from such person.

(5) (a) The consent of the Corporation under subsection (1) of this section to any works may be granted by the city engineer by a permit signed by him or on his behalf.

(b) The Corporation shall charge a fee of 5s. for each application for a permit under this subsection.

(6) A consent of the Corporation under subsection (1) of this section shall not authorise any interference with apparatus or works of any statutory undertakers without the consent of such undertakers.

226. In any case where the consent of the Corporation is given under the preceding section to the construction of any pavement crossing, the Corporation may, in the case of any lands or premises which abut on more than one street, determine the street or streets on which such pavement crossing shall be constructed.

Conditions as to position of pavement crossings where lands abut on more than one street.

227.—(1) If the city engineer at any time certifies that any works are:—

Powers, etc., with respect to making good defects in street works.

(a) in a state of disrepair; or

(b) insecure; or

(c) in a condition from which danger to the public may be apprehended;

the Corporation may, by notice, require the owner or occupier of the lands or premises in connection with which the works have been executed to carry out any operations necessary to make good such defect, and the city engineer may cause such works to be temporarily fenced, guarded or repaired at the expense of such owner or occupier.

(2) If such owner or occupier fails, within the period specified in a notice under the preceding subsection, to carry out the operations required by the notice the Corporation may:—

(a) cause such operations to be carried out; or

(b) cause the works to be demolished, filled up or removed, and the street restored;

and in either case the expense reasonably incurred shall be recoverable by them from such owner or occupier.

228. Any person who permits any works, or any opening made in a street in connection therewith, to be in such a condition as to be dangerous to the public shall be guilty of an offence.

Penalty for permitting street works to be in dangerous condition.

PART XVIII
—cont.

Restoration of streets where openings made.

229.—(1) Any person who, with the consent of the Corporation, or under any other lawful authority, breaks up or makes any alteration of, or opening on, the carriageway or footways of any street shall, when his operations are completed, give notice to the city engineer, and shall restore:—

- (a) the portion of the carriageway or footways broken up, damaged or affected by his operations; and
- (b) an additional space of not less than 6 inches in breadth around it.

(2) The portion of the carriageway or footways so restored shall be maintained by such person for six months from the completion of such restoration.

(3) If such person fails to comply with the requirements of this section the Corporation may, after giving him forty-eight hours' notice, restore or repair such carriageway or footways, and the expense reasonably incurred in so doing shall be recoverable by them from such person:

Provided that the city engineer may, in a case of emergency (of which he shall be the sole judge), execute without notice any works for the restoration or repair of such carriageway or footways and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the person in default.

Saving for statutory undertakers in respect of head F of Part XVIII.

230.—(1) This head of this Part of this Order shall not apply in relation to any works to which the Act of 1950 applies, or to any works executed by any statutory undertakers under the powers of any other enactment.

(2) Works which are likely to affect or interfere with apparatus or works of any statutory undertakers shall not be executed without the consent of such undertakers.

G. Stopping up of streets

Definitions for head G of Part XVIII.

231. In this head of this Part of this Order:—

- “street” includes a length of a street; and
- “street closing order” means an order made or proposed to be made under the succeeding section.

Corporation may stop up public streets.

232. The Corporation may make an order stopping up any public street:—

- (a) which has become unnecessary; or
- (b) which has become dangerous to the public; or
- (c) which the Corporation, for any other substantial reason, consider it expedient to stop up.

Procedure prior to making street closing orders.

233.—(1) Where the Corporation propose to make a street closing order they shall, before carrying the proposal into effect:—

- (a) give notice of the proposal by advertisement in two successive weeks;

(b) cause a copy of such notice to be posted in some conspicuous place at each end of the street to which the proposal relates; and

PART XVIII
—cont.

(c) not later than the date of the second publication of the notice of the proposal, serve a copy of such notice, together with a copy of this section, on every owner, lessee and occupier (except tenants for three months or less) of lands and premises fronting, or entering from, the street to which the proposal relates.

(2) The notice under the preceding subsection shall state:—

(a) the general effect of the proposal (including the effect of section 235 (Date of operation of street closing orders) and section 236 (Vesting of solum of public streets stopped up) of this Order);

(b) that any person aggrieved by the proposal may lodge representations in writing with respect to it with the town clerk; and

(c) the period within which such representations must be lodged, not being earlier than fourteen days from the date of the second publication of the notice.

234.—(1) When the Corporation, after consideration of any representations made in pursuance of the preceding section, have made a street closing order they shall give notice of the making of such order by advertisement, and shall serve a copy of such notice on every owner, lessee and occupier (except tenants for three months or less) of lands and premises fronting, or entering from, the street to which such order relates.

Procedure subsequent to making street closing orders.

(2) Any person aggrieved by a street closing order may appeal to the sheriff within twenty-eight days from the date of the publication of the notice of the making of such order.

235. A street closing order shall become operative:—

Date of operation of street closing orders.

(a) where no appeal has been taken under subsection (2) of the preceding section, on the expiration of twenty-eight days from the date of the publication of the notice of the making of the order; or

(b) where an appeal has been taken under subsection (2) of the preceding section, and the order is finally confirmed, on the date on which the order is finally confirmed.

236.—(1) (a) The sheriff may, on the application of any owner of land fronting a street in respect of which a street closing order has become operative, declare the solum of such street to be vested in such owner, but only to the extent to which it was vested in such owner before the order became operative.

Vesting of solum of public streets stopped up.

PART XVIII
--cont.

(b) An application under this section shall not be considered unless—

- (i) it is made within three months from the service of the notices required to be given in pursuance of section 234 (Procedure subsequent to making street closing orders) of this Order; and
- (ii) at least one month prior thereto notice of the intention to make such application shall have been given by the applicant to the Corporation.

(c) The Corporation shall be called as parties in any such application under this section.

(2) (a) The solum of any street in respect of which a street closing order has become operative, with the exception of any part declared to be vested in any owner in pursuance of a declarator by the sheriff under the preceding subsection, shall vest in the Corporation.

(b) A purchaser of, or other person acquiring right to, the solum of any street or part thereof vested in the Corporation in pursuance of this section shall not be concerned to inquire whether such solum has so vested in the Corporation, and a certificate by the town clerk that such solum has so vested shall be sufficient evidence of the title of the Corporation.

(3) The solum of any street stopped up in pursuance of a street closing order shall be freed and discharged from public use.

Removal of paving material, etc., from streets stopped up.

237. The Corporation may remove the paving material in any street stopped up in pursuance of a street closing order and any street lighting equipment and other apparatus belonging to them in such street.

Saving for Postmaster General in respect of head G of Part XVIII.

238.—(1) As soon as may be after the expiration of twenty-eight days after a street closing order has become operative the Corporation shall give notice thereof to the Postmaster General.

(2) (a) Where any street has been stopped up in pursuance of a street closing order, the following provisions of this subsection shall have effect in relation to so much of any telegraphic line belonging to, or used by, the Postmaster General as is in the land which by reason of the stopping up has ceased to be a public street (in those provisions referred to as "the affected line"):

- (i) the power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up, so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of three months from the giving of notice of the stopping up unless before the expiration of that period the Postmaster General has given notice to the Corporation of his intention to remove the affected line, or that part thereof, as the case may be;
- (ii) the Postmaster General may, by notice to the Corporation, abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

- (iii) the Postmaster General shall be entitled to recover from the Corporation the expense of providing, in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may reasonably require; and
- (iv) where under sub-paragraph (ii) of this paragraph the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Corporation, and the Telegraph Acts shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(b) The preceding paragraph shall have effect in relation to any street or part of any street stopped up in pursuance of a street closing order in which the solum is vested in persons other than the Corporation as if references to the Corporation were references to such persons.

239.—(1) As soon as may be after the expiration of twenty-eight days after a street closing order has become operative the Corporation shall give notice thereof to the electricity board and the gas board.

Saving for electricity and gas boards in respect of head G of Part XVIII.

(2) The electricity board and the gas board shall continue to have the same powers and rights in respect of their apparatus remaining in the land which by reason of the stopping up has ceased to be a public street as they would have had if it had remained a public street:

Provided that, if the Corporation, or the persons in whom the solum of such street is vested, as the case may be, so require, the electricity board and the gas board, or either of them, as the case may be, shall remove the apparatus, and the expense reasonably incurred by them in so doing shall be recoverable from the Corporation, or such persons, as the case may be.

(3) (a) Nothing in the preceding subsection shall empower the Corporation or any person to require the electricity board or the gas board to remove any apparatus unless a reasonably adequate alternative line for such apparatus is available.

(b) Any dispute under the preceding paragraph as to whether a reasonably adequate alternative line is available shall be settled by arbitration.

(c) The Corporation shall repay to the electricity board or to the gas board, as the case may be, the expense reasonably incurred by the electricity board or the gas board, as the case may be, of or in connection with the removal and relaying or replacing of any apparatus, and the provision and laying or placing of any new apparatus in consequence of the provisions of this section and the expense reasonably incurred in connection with:—

- (i) cutting off any apparatus from any other apparatus; and
- (ii) any other work rendered reasonably necessary in consequence of any operations referred to in this subsection:

Provided that—

- (a) subsections (3), (4) and (5) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payments)

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—cont.

shall, so far as applicable, extend and apply to any payment to be made by the Corporation under this subsection as if the works therein mentioned were undertakers' works within the meaning of subsection (2) of that section and as if in subsection (3) the words from "existing apparatus was" to "then" were omitted; and

- (b) where any existing apparatus is replaced in accordance with the provisions of this section the Corporation shall not be required to make any payment to the electricity board or to the gas board, as the case may be, for any such apparatus which may be replaced and which has been rendered derelict, useless, or unnecessary, and such last-mentioned apparatus shall, so soon as the new apparatus has been laid, vest in the Corporation.

Informalities,
etc., not to
affect street
closing orders.

240. Any informality, defect or error in any publication or notice under this head of this Part of this Order, or in connection with the service of any such notice, shall not affect the validity of any street closing order if such informality, defect or error was not material.

H. Private streets

Control and
maintenance of
private streets.

241.—(1) The Corporation shall have the charge, control and superintendence of all private streets.

(2) All private streets shall be maintained to the satisfaction of the Corporation by the persons responsible for their maintenance.

Majority of
frontagers may
require private
streets to be
taken over.

242.—(1) (a) If a private street, or the carriageway or footway of a private street, has been sewered, levelled, paved, and made good to the satisfaction of the Corporation:—

- (i) a majority in number of the owners of lands fronting such street; or
(ii) as many of such owners as own between them more than half the aggregate length of all the frontages on both sides of such street;

may, by notice, require the Corporation to take over such street, or the carriageway or footway thereof, as the case may be, which shall thereupon vest in the Corporation as a public street, or as a public carriageway or public footway, as the case may be.

(b) In determining what constitutes a majority in number of owners joint owners shall be deemed to be one owner.

(2) This section shall not apply in relation to a part of a private street unless it is a part not less than 100 yards in length which the owners of land having a frontage on that part of the private street elect to treat as constituting a private street for the purposes of this section.

Power to
require private
streets to be
completed.

243.—(1) (a) If a private street, or the carriageway or footway of a private street, or any part thereof, has not been sewered, levelled, paved, and made good to the satisfaction of the Corporation, they may, by notice (hereinafter in this section referred to as a "notice"), require

the owners of the lands fronting such street, or part thereof, to execute any street works necessary to have such street or carriageway or footway, or part thereof, so sewered, levelled, paved, and made good.

PART XVIII
—cont.

(b) Any person aggrieved by any requirement of a notice may appeal to the sheriff.

(2) (a) A notice shall (without prejudice to the requirements of section 634 (As to notices requiring execution of works, etc.) of this Order) contain:—

- (i) a specification of the street works required, with a statement that the relative plans and sections may be inspected at the office of the city engineer at all reasonable hours free of charge;
- (ii) an estimate of the probable cost of the street works; and
- (iii) a provisional apportionment of the estimated cost among the owners of the lands liable therefor.

(b) Any sewers required to be provided in pursuance of a notice shall be sewers for carrying off surface water only.

(3) (a) The Corporation may include in street works required to be executed in pursuance of a notice—

- (i) a widening of the carriageway or the footways; or
- (ii) a variation of the relative widths of the carriageway and of the footway or footways;

of the street to which the notice relates.

(b) There shall not be imposed on any person by reason of any such widening or variation a greater charge than could have been imposed in respect of a carriageway or footway of the width prescribed by or under the provisions of the repealed Acts applicable to such street when it was constructed, and any excess shall be borne by the Corporation.

(4) On the completion of the street works required to be executed in pursuance of a notice the street or the carriageway or footway, or part thereof, to which such notice relates, shall vest in the Corporation as a public street, or as a public carriageway or public footway, as the case may be.

244.—(1) (a) Where in the opinion of the Corporation it is not expedient that the carriageway or footway of any private street, or of any part thereof, should be sewered, levelled, paved, or otherwise made good by the execution of permanent street works in pursuance of the preceding section they may, by notice, require the owners of the lands fronting such street, or part thereof, to execute any works necessary to have the carriageway or footway of such street, or part thereof, put in order temporarily.

Powers of Corporation with respect to temporary works and minor repairs on private streets.

(b) Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(2) The Corporation may execute any minor works on, or temporary repairs of, any private street necessary to obviate danger to traffic without charging the owners of the lands fronting such street with the

PART XVIII
—cont.

expense, but the execution of such works or repairs shall not be deemed to imply that such street has been taken over by the Corporation as a public street.

Expense of
street works on
private streets.

245.—(1) Subject to the provisions of this head of this Part of this Order, all expense reasonably incurred by the Corporation for and in connection with, and incidental to, the execution by them of street works (whether temporary or permanent) on any private street shall, subject as hereinafter in this section provided, be apportioned by the Corporation on the owners of the lands fronting such street in proportion to the extent of the frontage of the lands of each owner to such street.

(2) In the case of any lands having two or more separate owners the sum so apportioned shall be apportioned among the owners of such lands according to the net annual value of the several parts of such lands in separate ownership.

(3) In any case in which street works have been executed by the owners of the lands fronting a private street in accordance with the requirements of a notice under this head of this Part of this Order the preceding provisions of this section shall, unless otherwise agreed among such owners, apply, with any necessary adaptations, with respect to the apportionment of the expense of such street works among such owners.

(4) Where:—

- (a) a private street serves as an access to lands adjoining, but not fronting, such street, or which front it only to a small extent; or
- (b) in any other circumstances the payment of the expense should, in the opinion of the Corporation, not be allocated in proportion to the frontage;

the Corporation shall fix and determine:—

- (i) the lands (whether fronting such street or not) of which the owners shall be liable for such expense; and
- (ii) the proportion leviable from each owner which they consider equitable in all the circumstances.

(5) Except where otherwise expressly provided in this head of this Part of this Order all expense incurred by the Corporation under such head shall, for a period of three years after the date of apportionment by the Corporation, be a burden on the lands in relation to which such expense was incurred, and, failing payment by the owner, the amount so apportioned, to the extent of any rent due or to become due, may be recovered from the occupier thereof, who shall be entitled to deduct such amount, with interest thereon at the rate of 5 per cent. per annum, from the rent from time to time becoming due to such owner.

(6) Any person aggrieved by any apportionment under this section may appeal to the sheriff.

(7) Nothing in this section shall entitle the Corporation to recover from the railways board or the waterways board any part of the expense incurred by the Corporation in connection with, or incidental to, street works on any private street on which land of the railways board or the waterways board, as the case may be, fronts unless and until:—

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—cont.

(a) permanent buildings have been constructed on at least one-fourth of the frontage of such land to such street; or

(b) such land has been enclosed (otherwise than temporarily) and laid out to at least the said extent.

I. Construction of new streets by private developers

246. In this head of this Part of this Order:—

Definitions for
head I of
Part XVIII.

“new street application” means an application for authority to construct a street; and

“plans” includes sections and specifications, and, in relation to any bridge, elevations and design calculations.

Authority to construct new streets

247.—(1) A person shall not construct a street except in accordance with an order made by the Corporation under this head of this Part of this Order authorising the construction of such street.

New streets not
to be con-
structed without
authority of
Corporation.

(2) For the purposes of this head of this Part of this Order a continuation of an existing street shall be deemed to be the construction of a street.

248.—(1) Every new street application shall be lodged with the town clerk and shall contain the particulars, and be accompanied by the plans, specified in Schedule 4 to this Order.

Procedure with
respect to new
street
applications.

(2) Notice of the lodging of every new street application shall be served by the applicant upon the owners of all lands fronting the proposed street and also, if required by the Corporation, upon the owners of such adjoining lands as the Corporation may specify, and such notice shall state that any objections to the application must be lodged with the town clerk within fourteen days.

249.—(1) The Corporation may grant a new street application in whole or in part.

Disposal of
new street
applications.

(2) If, in the opinion of the Corporation, any proposed street, or any part thereof, would:—

(a) be unsatisfactory as regards—

(i) the position, width, or gradient thereof; or

(ii) the mode of construction thereof; or

(iii) the materials proposed to be used; or

(iv) the position of the kerb and centre lines and the proposed building line; or

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—cont.

(v) any of the other details or particulars shown on the plans; or

(b) be contrary to the provisions of this head of this Part of this Order;

they shall either refuse to grant the application, or they may make an order authorising the construction of such proposed street or part thereof subject to such alterations on the plans as they consider appropriate, and subject also to such other reasonable conditions as they consider appropriate with reference to any matters to which they are entitled to have regard under this head of this Part of this Order.

(3) (a) The Corporation shall not:—

- (i) refuse to grant a new street application; or
- (ii) grant a new street application in part; or
- (iii) make an order subject to alterations;

without giving the applicant an opportunity of being heard in person or by a representative.

(b) If objections to a new street application are lodged, the Corporation shall give the applicant and the objector an opportunity of being heard in person or by a representative.

(4) The Corporation, before disposing of a new street application, may require the applicant to submit a scheme of development of any land owned by him which may, in their opinion, be affected by the construction of the proposed street.

(5) Before making a new street order the Corporation shall communicate the terms of the proposed order to the applicant, who, if dissatisfied therewith, may withdraw the application.

Conditions which may be included in new street orders.

250. The conditions subject to which the Corporation may make a new street order may, without prejudice to the generality of the provisions of subsection (2) of the preceding section, include:—

- (a) provision with reference to culs-de-sac;
- (b) a provision that the proposed street or any part thereof shall be constructed for use by pedestrians only;
- (c) the provision of suitable and convenient accesses to the proposed street by cross streets, continuation of streets, or otherwise;
- (d) the fixing of the line, level, position and direction of the proposed street and footways thereof so as to make provision for:—
 - (i) convenient communication with other streets;
 - (ii) gradients suitable for traffic; and
 - (iii) the drainage (including the provision of separate sewers for the discharge of surface water in addition to sewers for the discharge of foul water) of the proposed

street and of buildings fronting thereon or adjacent thereto, and of adjoining lands the drainage of which may be affected by the construction of the proposed street; and

PART XVIII
—cont.

- (e) provision for the corner of any proposed street at its junction with any other street being rounded off, or splayed, in such manner and to such extent as the Corporation may require.

251. If any new street order contains a condition requiring that the building line of the street authorised by such order be set back to a greater distance than 45 feet from the centre line of such street the owner of any lands injuriously affected by the building line being so set back shall, subject to the provisions of this Order, be entitled to compensation.

Compensation where building line of new street set back more than 45 feet.

252.—(1) Where it is proposed to construct a bridge in connection with the construction of a street, plans of such bridge shall be lodged along with the application for authority to construct such street, and such bridge and the approaches thereto shall be deemed to form part of such street.

Construction of bridge to carry new street.

(2) The Corporation may, in any new street order, include conditions as to the widths and gradients of the proposed bridge and the approaches thereto, and the design, materials, construction and stability of such bridge.

(3) This section shall not apply in relation to any bridge authorised to be constructed under statutory powers.

253.—(1) Every person making a new street application shall cause any alterations required, or approved of, on the plans lodged with reference to such application to be clearly marked thereon so as to distinguish them from the original plans and, if so required by the Corporation, shall lodge amended plans.

Provisions with respect to plans, etc., relative to new street applications and orders.

(2) The plans lodged with reference to a new street application, as approved by the Corporation, shall:—

(a) be signed by the town clerk; and

(b) be kept in the office of the city engineer and may be inspected by any person free of charge at all reasonable hours.

254. A new street order shall cease to have effect (except as regards so much of the works authorised by such order as are then completed):—

Period of validity of new street orders.

(a) on the expiration of three years from the making of such order, or such longer period (not being more than five years from the making of such order) as may be specified in such order; or

(b) on the expiration of such additional period as the Corporation may subsequently allow, not exceeding three years from the date on which such order would otherwise have ceased to have effect.

PART XVIII
—cont.New street
orders to be
binding on
successive
owners.Notice before
commencement,
suspension or
resumption
of works on
new streets.Minimum
width of new
streets.Power to
require new
street to be
constructed of
a greater width
than 60 feet.

255. A new street order shall be binding upon the applicant for such order and every such successive owner of the land to which it relates.

256.—(1) (a) Before any works in connection with the construction of a street are commenced, or any such works are suspended (otherwise than temporarily) after being commenced, or are resumed after being suspended for a period exceeding three months, notice stating the date of the intended commencement, suspension or resumption, as the case may be, shall be given to the city engineer.

(b) Such notice shall be given not less than three days before such intended commencement, suspension or resumption, as the case may be.

(2) Any person who commences, suspends or resumes such works in contravention of the preceding subsection shall be guilty of an offence.

Width of new streets

257.—(1) Subject to the provisions of this head of this Part of this Order a new street shall be of a width of not less than 60 feet.

(2) If, in the opinion of the Corporation, a proposed street is not likely to be a main thoroughfare it may be of such less width than 60 feet as the Corporation may approve, subject to such conditions as they consider appropriate, including conditions with respect to:—

(a) the length of such proposed street;

(b) the minimum widths of the carriageway and footways or, in the case of a street to be constructed for use by pedestrians only, the minimum width of such street; and

(c) the provision of passing and turning places.

258.—(1) If, in the opinion of the Corporation, a proposed street is likely to be a main thoroughfare, they may require it to be constructed of such greater width than 60 feet as they may determine.

(2) (a) The owner of the land on which such proposed street is to be constructed shall not be required to bear any expense in the execution of the necessary street works in excess of the amount he would have been required to bear if such proposed street had been constructed of a width of 60 feet.

(b) Any expense incurred in the execution of such additional street works shall be borne by the Corporation, and any dispute as to the amount of such expense shall be settled by arbitration.

(c) After such street has been constructed such owner shall, subject to the provisions of this Order, be entitled to compensation in respect of any loss or damage sustained by him by or in consequence of such street being constructed of a greater width than 60 feet.

*Powers of Corporation with respect to construction of streets authorised
by new street orders*

PART XVIII
—cont.

259.—(1) The Corporation may construct any street, or any part of a street, authorised by a new street order on giving three months' notice to the owners of the lands over which such street, or part of such street, is to be constructed, and of any lands fronting thereon and they may enter upon such lands for that purpose.

Construction by Corporation of streets authorised by new street orders.

(2) (a) The expense reasonably incurred in constructing such street, or part of such street, shall be defrayed by the Corporation in the first instance, but, subject to the provisions of this Order, shall be recoverable by them in the manner in which expense incurred by them in connection with works on private streets is recoverable under head H (Private streets) of this Part of this Order.

(b) The Corporation shall have all the powers of apportioning such expense among the owners of lands fronting any such street, or such part thereof, as are exercisable by them under head H (Private streets) of this Part of this Order in the case of works on private streets.

(3) (a) The Corporation may prescribe a period within which any sum apportioned on any person under this section shall be payable, and in prescribing such period, they shall take into consideration the time at which the construction of such street will be of benefit to any person on whom it is proposed to make any such apportionment:

Provided that the Corporation shall not be entitled to recover any sum apportioned upon any such owner until such lands are built on, or are laid out or used as pleasure ground, or pertinent to a building, and they shall then and from time to time be entitled to recover only such part of the sum so apportioned as shall be properly attributable to the land so used.

(b) Interest upon such apportioned sum shall not be payable in respect of the period from the date of apportionment until such time as the Corporation shall have become entitled to recover such apportioned sum.

(4) Any street constructed by the Corporation under the powers conferred by this section shall vest in them as a public street, but without prejudice to their right, under this section, to recover the expense incurred by them in connection with the construction of such street.

(5) Where any lands of the railways board or the waterways board wholly or partially front or adjoin any street or part of a street constructed by the Corporation under the powers conferred by this section, and such lands are, at the time of construction, used by the railways board or the waterways board, as the case may be, solely as operational land, and have no direct communication with such street, the Corporation shall not be entitled to recover any part of the expense incurred in connection with the construction affecting to such lands but they shall be entitled to recover the same from the railways board or the waterways board, as the case may be, if and when the railways board or the waterways board, as the case may be, make a communication with such street or part of a street from such lands.

PART XVIII
—cont.

Enforcement of head I of Part XVIII

Penalty for constructing new street without authority, etc.

260. Any person who:—

- (a) proceeds to execute any works for the construction of any street without having obtained a new street order authorising the construction of such street; or
- (b) having obtained a new street order, deviates from the plans approved by the Corporation relative to such order, or contravenes any condition contained in such order;

shall be guilty of an offence.

Powers of Corporation where new street constructed without authority, etc.

261. In the case of a contravention of any provision of the preceding section the Corporation may:—

- (a) by notice, require the person who proceeded to execute such works to execute any works necessary to bring such street into conformity with the plans approved by the Corporation; or
- (b) themselves execute any works necessary to restore such street to its previous condition, and the expense reasonably incurred in so doing shall be recoverable by them from the person in default; or
- (c) by order, close such street temporarily, or stop it up.

J. Lines of building frontage

General building line.

262. Subject to the provisions of this head of this Part of this Order, it shall not be lawful, without the consent of the Corporation, to construct any building or bring forward any existing building:—

- (a) within 30 feet from the centre line of any street; or
- (b) beyond the front main wall of the building on either side thereof where such main wall is more than 30 feet back from the centre line of the street:

Provided that where such front main wall is more than 15 feet back from the side of the street it shall be lawful to construct or bring forward any building up to 15 feet from the side of the street, subject to such building being in every case at least 30 feet back from the centre line of the street.

Building line on Joppa-Seafield promenade.

263. It shall not be lawful, without the consent of the Corporation, to construct any building or bring forward any existing building within 25 feet from the centre line of the Joppa-Seafield promenade.

Power to prescribe building line where building to be rebuilt.

264.—(1) The Corporation may prescribe a building line in relation to the site of any building to which this section applies, and it shall not be lawful, without the consent of the Corporation, to conduct any operations for the reconstruction of such building, or to construct any new building on such site nearer to the centre line of the street than the building line so prescribed.

(2) The owner of any building affected by the prescribing of a building line under this section shall, subject to the provisions of this Order, be entitled to compensation for any loss sustained by him in consequence of any refusal by the Corporation of a consent, or of any conditions attached to a consent, under the preceding subsection.

(3) This section applies to the site of any building in respect of which application for:—

(a) a warrant for demolition; or

(b) a warrant for conducting any operations involving the demolition of the existing structure to a material extent;

has been made to the dean of guild court.

265.—(1) Where in the opinion of the Corporation:—

(a) a public street is narrow or inconvenient, or without any sufficiently regular boundary line; or

(b) it is expedient that a public street should be widened;

Power to
prescribe
building line
where public
street to be
improved or
widened.

they may, notwithstanding anything in this head of this Part of this Order, prescribe a building line in relation to either one side or both sides of such street.

(2) Where a building line prescribed under this section is in force in relation to any public street it shall not be lawful, without the consent of the Corporation, to construct or bring forward any building nearer to the centre line of such street than such building line.

(3) The Corporation may revoke any building line prescribed under this section, or any part of such a line if, in their opinion, it is no longer necessary.

(4) The provisions of Schedule 5 to this Order shall have effect in relation to the prescribing of a building line under this section and to the revocation of such a line or any part thereof.

(5) The revocation by the Corporation of a building line prescribed under this section in relation to any street may be conjoined with the prescribing of a new building line under this section in relation to such street:

Provided that the intention of the Corporation to revoke the existing building line shall be included in the notice required to be given in pursuance of paragraph 2 of Schedule 5 to this Order to owners, lessees and occupiers of land affected.

(6) Where a building line prescribed under this section in relation to any street is at a greater distance than 30 feet from the centre line of such street any person whose property is injuriously affected by the prescribing of such building line shall, subject to the provisions of this Order, be entitled to compensation for such injurious affection.

(7) (a) The Corporation may, at any time after a building line has been prescribed under this section, on giving six months' notice to the owner, lessee and occupier of any building which, or any part of

PART XVIII which, was beyond such building line at the date when it was prescribed,
—cont. require such building to be demolished, set back or altered so that
it shall not project beyond such building line.

(b) The owner, lessee and occupier of any building to which this subsection applies shall, subject to the provisions of this Order, be entitled to compensation for any loss sustained by them in consequence of any requirement of the Corporation under this subsection:

Provided that:—

(i) if, within twenty-eight days from the date of the service by the Corporation of a notice under this subsection any owner on whom the notice has been served notifies the Corporation in writing that he objects to the requirement of the notice on the ground that such requirement cannot be complied with without material detriment to his interest in the building, or the land on which it is situated, or any adjoining land belonging to him, and intimates that he is able and, in the circumstances of the case, willing to sell to the Corporation the building to which the notice relates, with or without any such adjoining land, on terms not less favourable to the Corporation than those on which they could have acquired the building compulsorily under this Order the matter shall, in default of agreement, be referred to, and determined by, the Lands Tribunal for Scotland;

1949, c. 42.

(ii) until sections 1 to 3 of the Lands Tribunal Act, 1949 (which relate to the establishment of the Lands Tribunal for Scotland), come into force as respects Scotland the preceding proviso shall have effect as if for the reference therein to the said tribunal there were substituted a reference to an official arbiter appointed under the Land Compensation (Scotland) Act, 1963, and sections 3 and 5 of the said Act of 1963 shall apply and have effect, subject to any necessary modifications, in relation to the determination of any question under the said proviso.

1963, c. 51.

(8) A person shall not be entitled to compensation in respect of any building constructed, contract made, or other thing done, after the date on which a plan showing the building line was deposited in pursuance of paragraph 1 of Schedule 5 to this Order, not being work done for the purpose of finishing a building the construction of which had begun before that date, or of carrying out a contract made before that date.

(9) (a) Nothing in this section shall apply in relation to any operational land of any statutory undertakers without the consent of the statutory undertakers concerned.

(b) A consent required under the preceding paragraph shall not be unreasonably withheld, and any consent granted may be granted subject to such reasonable conditions as may be prescribed by the statutory undertakers concerned.

(c) Any dispute as to:—

- (i) whether a consent required under paragraph (a) of this subsection has been unreasonably withheld; or
- (ii) the reasonableness of any conditions subject to which a consent under the said paragraph has been granted;

PART XVIII
—cont.

shall be settled by arbitration.

266.—(1) Where in the opinion of the Corporation it is expedient to fix or set back the line of frontage at any corner of any street in order to facilitate traffic, they may, notwithstanding anything in this head of this Part of this Order, prescribe a building line in relation to such corner and within a distance not exceeding 50 yards from such corner.

Power to
prescribe
building lines
at corners of
streets.

(2) The preceding section shall, with any necessary adaptations, apply in relation to the prescribing and enforcing of a building line under this section, and to compensation in respect thereof.

267.—(1) Any consent of the Corporation granted under this head of this Part of this Order may be restricted to such period as the Corporation may prescribe.

As to consents
and appeals
under head J
of Part XVIII.

(2) Any person aggrieved by:—

- (a) a decision of the Corporation prescribing a building line under this head of this Part of this Order; or
- (b) a refusal by the Corporation of a consent, or the period of a consent, or any conditions attached to a consent, under:—
 - (i) Section 263 (Building line on Joppa-Seafield promenade); or
 - (ii) Section 264 (Power to prescribe building line where building to be rebuilt); or
 - (iii) Section 265 (Power to prescribe building line where public street to be improved or widened);

of this Order may appeal to the sheriff within twenty-eight days from the date on which such decision, consent or refusal of consent was intimated to such person.

268.—(1) The dean of guild court shall not grant warrant for the construction of any building in so far as such building would project beyond any building line fixed by, or prescribed under, this head of this Part of this Order unless the consent of the Corporation to such projection has been obtained.

Dean of guild
court to have
regard to
building lines.

(2) The dean of guild court shall, on a motion to that effect by the Corporation, continue consideration of any application for a warrant for the construction of any building for such period as may be reasonably necessary to afford the Corporation an opportunity of prescribing a building line under this head of this Part of this Order.

PART XVIII
—cont.

(3) This section shall, with any necessary adaptations, apply with respect to the master of works or to the clerk of the dean of guild court in dealing, by virtue of a delegation made under section 7 of the Act of 1959, with applications for warrants for the construction of works of a minor character.

Acquisition of land between building lines and street.

269.—(1) The powers of the Corporation under Part XXXI (Acquisition and disposal of land) of this Order to acquire land shall include power to acquire, by agreement or compulsorily, the whole or part of any land lying between the building line of any street and such street.

(2) In the case of compulsory acquisition of any such land in respect of which compensation has already been paid under subsection (6) of section 265 (Power to prescribe building line where public street to be improved or widened) of this Order, the Corporation, when paying the compensation assessed in respect of such compulsory acquisition, shall deduct the amount of the compensation already paid by them.

Restrictions imposed by head J of Part XVIII not to apply to boundary walls, etc.

270. Nothing in this head of this Part of this Order shall render unlawful the construction of a boundary wall, railing or fence not exceeding 6 feet in height.

K. *Miscellaneous*

Seats in streets.

271. The Corporation may provide and place seats in streets, or authorise the placing of seats in any street.

Bins for road materials.

272. The Corporation may provide bins in streets for the storage of sand, grit and other road materials.

Direction signs.

273.—(1) The Corporation may put up or paint on a conspicuous part of any building or place at or near the corner of any street, signs indicating the direction or the distance to towns, railway stations, public buildings and other places of a public character.

(2) (a) Before putting up or painting a sign on any building or place the Corporation shall give fourteen days' notice to the owner of such building or place.

(b) Any owner aggrieved by any notice under this subsection may appeal to the sheriff.

(3) Any person who obscures, removes or alters any such sign shall be guilty of an offence, unless he has lawful authority or reasonable cause for so doing.

(4) The exercise of the powers conferred by this section shall be subject to:—

(a) the provisions of the Act of 1960 with respect to traffic signs; and

(b) any regulations made, or any general or other directions given, by the Minister of Transport and the Secretary of State or the appropriate Minister within the meaning of the said provisions, as the case may be, in pursuance of the said provisions.

274.—(1) The Corporation may, in any street and (with the consent of the owner) on any building, display maps and plans of the city and its neighbourhood with any appropriate information concerning the city and its neighbourhood, and may illuminate such maps and plans.

(2) The provisions of section 120 (Signs indicating starting and stopping places, etc., of public service vehicles) of this Order with respect to the erection of standards and fittings and the attachment of signs or notice boards to standards or fittings, shall, with any necessary adaptations, apply with respect to the exercise by the Corporation of their powers under the preceding subsection.

275.—(1) (a) If any article is placed or dropped in any street and is allowed to remain in such street—

(i) to the obstruction, annoyance or danger of the residents or passengers; or

(ii) for more than seven days;

any constable or any authorised officer may remove and store such article.

(b) The preceding paragraph shall not apply in relation to—

(i) any coal or other solid fuel; or

(ii) any article of furniture or other article unloaded from, or intended to be loaded on, a vehicle;

unless such solid fuel or article is left for a period longer than necessary in the circumstances or in such a position as to constitute a danger to the residents or passengers.

(c) A constable or an authorised officer shall not be liable for any loss or damage caused by, or in consequence of, such removal or storage.

(2) In any case where a constable or an authorised officer removes any article under the powers of the preceding subsection:—

(a) he shall, if and as soon as it is reasonably practicable, notify the person whom he believes to be the owner;

(b) on the expiration of twenty-eight days from the date of such notification, or six months from the day on which such article was removed, whichever shall first occur:—

(i) such article may be sold by the Corporation; or

(ii) the chief constable (in the case of an article removed by a constable) or the authorised officer (in the case of an article removed by such authorised officer) may cause to be destroyed or otherwise disposed of any article which in his opinion has not a saleable value; and

(c) the proceeds of the sale of any article sold under the powers of this subsection (after deducting the expense of its removal, storage and sale) shall be payable to the owner.

(3) If, on the expiration of twelve months from the date of a sale under the preceding subsection, the proceeds have not been claimed by the owner, the right of such owner to those proceeds shall lapse, and they shall vest in the Corporation.

PART XVIII
—cont.

(4) Nothing in this section shall apply to any vehicle to which the Removal of Vehicles (Scotland) Regulations, 1961, apply.

Power to
impound stray
animals.

276.—(1) Any constable may seize and impound any animals found at large in any street and may detain them until the owner pays to the Corporation the reasonable expenses of impounding and keeping them.

(2) (a) If such expenses are not paid within seven days after the impounding, the Corporation may sell the animals, provided that seven days' notice of such intended sale shall be given to, or left at the ordinary residence or place of business of, the owner if he is known or, if such owner or his ordinary residence or place of business is not known, notice of the intended sale shall be given by advertisement not less than seven days before such sale.

(b) The proceeds of the sale of any animals sold under the powers of this subsection (after deducting the expense incurred in relation to their impounding, keeping and sale) shall be payable to the owner.

(3) If, on the expiration of twelve months from the date of a sale under the preceding subsection, the proceeds have not been claimed by the owner, the right of such owner to those proceeds shall lapse, and they shall vest in the Corporation.

Alteration of
doors, etc.,
opening
outwards on
to streets.

277. The Corporation may, by notice, require the owner of any premises (not being a public building) on or in which a door, gate, window-shutter or bar opening outwards on to a street has been put up before the commencement of this Order to execute any works necessary for ensuring that no part of any such door, gate, window-shutter or bar, when open, shall project over such street.

Restrictions
on display
of articles in
areas, etc.

278.—(1) (a) The Corporation may, by notice, prohibit the occupier of any premises from placing, hanging up or exposing for sale or hire any articles:—

- (i) within, on or over any railing enclosing any area or space of ground fronting or adjoining any street, and forming part of such premises or of any adjoining premises; or
- (ii) on any outside steps, platform or landing giving access from the street to any part of such premises or to any adjoining premises;

or they may, by notice, require any such occupier to comply with such restrictions or conditions as they may prescribe with respect to the placing, hanging up or exposing for sale or hire of any articles and as shall be specified in such notice.

(b) The preceding paragraph shall not apply in relation to:—

- (i) the sale of newspapers, or the display of newspapers for sale; or
- (ii) the display of posters or bills relating to newspapers.

(c) In the exercise of their powers under this subsection the Corporation shall have regard only to:—

- (i) the amenities of the locality in which such premises are situated; and
- (ii) the possibility of danger, obstruction or inconvenience to the public.

(d) Any person aggrieved by a prohibition effected by, or any requirement of, a notice under this subsection may appeal to the sheriff.

(e) Any person failing to comply with a prohibition effected by, or any requirement of, a notice under this subsection shall be guilty of an offence.

(2) The preceding subsection shall also apply in relation to:—

(a) articles displayed as samples of, or advertisements for, articles available for sale or hire; and

(b) articles stored in connection with any business carried on in the premises or in any adjoining premises.

279. The Corporation may stop up Warriston Close and on such stopping up the solum thereof shall vest in the Corporation freed and discharged from public use. Power to stop up Warriston Close.

L. Supplemental

280. Notwithstanding anything in section 211 (Construction of footways of public streets), or section 212 (Construction of footways in front of new buildings) or in head H (Private streets) of this Part of this Order, the Corporation may contribute the whole or any part of the expense incurred by, or recoverable from, any person in connection with the execution of any street works under any of the said provisions, or under the corresponding provisions of the repealed Acts, if they are satisfied that, having regard to all the circumstances, including the financial circumstances of the person liable for such expense, it is inequitable that he should bear the whole of such expense. Power to contribute to expense of street works.

281.—(1) (a) The Corporation may dispose of any portion of any public street to the owner of any lands adjoining it for the purpose of obtaining a uniform building line or of improving such street. Power to dispose of portions of public streets to adjoining owners.

(b) All public rights over any portion of any street so disposed of shall be extinguished.

(2) The Postmaster General, the electricity board and the gas board shall, notwithstanding any disposal under the preceding subsection, continue to have the same powers and rights in respect of any telegraphic line belonging to or used by the Postmaster General, or apparatus of either of the boards, as the case may be, remaining in the portion of street so disposed of as if it had continued to be part of a public street. If, by reason or in consequence of any such disposal it becomes necessary to alter—

(a) any such telegraphic line the enactments contained in section 7 of the Telegraph Act shall apply to any such alterations as if the Corporation or the owner of the adjoining land (as the case may be) were “undertakers” within the meaning of the said Act; and

(b) any apparatus of the electricity board or the gas board, the electricity board or the gas board, as the case may be, shall be entitled to recover from the Corporation any expense

PART XVIII
—cont.

reasonably incurred by them in connection with any such alteration in consequence of the exercise by the Corporation of the powers contained in this section:

Provided that in relation to the electricity board and the gas board—

- (a) subsections (3), (4) and (5) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payments) shall, so far as applicable, extend and apply to any payment to be made by the Corporation under this subsection as if the works therein mentioned were undertakers' works within the meaning of subsection (2) of that section and as if in subsection (3) the words from "existing apparatus was" to "then" were omitted; and
- (b) where any existing apparatus is replaced in accordance with the provisions of this section the Corporation shall not be required to make any payment to the electricity board or the gas board, as the case may be, for any such apparatus which may be replaced and which has been rendered derelict, useless, or unnecessary, and such last-mentioned apparatus shall, so soon as the new apparatus has been laid, vest in the Corporation.

M. General

Construction of references in Part XVIII to power to execute works.

282. Except where otherwise expressly provided in this Order, or where the context otherwise requires, any provision of this Part of this Order (however expressed) authorising the Corporation to execute any works shall include power to alter, fill up or remove them.

Works under Part XVIII to be executed to satisfaction of city engineer.

283. Any works on, in or under any street authorised or required to be executed by any person under any provision of this Part of this Order shall be executed to the satisfaction of the city engineer.

Application of Act of 1950 to certain works under Part XVIII.

284. The provisions contained in Part II of the Act of 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) shall apply to works executed under the powers of:—

- Section 201 (Guard rails, refuges, etc., in streets);
Section 204 (Pawl posts in streets); and
Section 216 (Power to construct pedestrian subways);

of this Order as if such works were mentioned in section 21 (1) (a) of that Act.

PART XIX

RIGHTS OF WAY AND PUBLIC WAYS

Definition for Part XIX.

285. In this Part of this Order:—

"public way" means any public way which was maintained by the former parish councils within the suburban areas annexed to the city by the Edinburgh Boundaries Extension and Tramways Act, 1920.

286. The Corporation may acquire any right of way within the city or partly within and partly outwith the city, the acquisition of which would in their opinion be beneficial to the inhabitants of the city or any part thereof. PART XIX
—cont.
Acquisition of
rights of way.
287. The Corporation may maintain:—
(a) any right of way acquired by them; and
(b) any public way. Maintenance of
rights of way
and public
ways.
288. The powers conferred by this Part of this Order or the exercise thereof, shall not:—
(a) relieve any other person of any liability with respect to the maintenance of any right of way or public way; or
(b) impose on the Corporation any liability in respect of injury to persons or damage to property resulting from the condition of any right of way or public way. Powers of
Part XIX not
to relieve
other persons
of liability.
289. Head G (Stopping up of streets) of Part XVIII (Streets) of this Order shall, with any necessary adaptations, apply with respect to rights of way and public ways as it applies with respect to streets. Stopping up
of rights of way
and public ways.

PART XX

LIGHTING

A. Definitions for Part XX

290. In this Part of this Order:— Definitions for
Part XX.
- “common stair” means any stair or passage in a building giving access to two or more dwellinghouses and used in common by the occupiers thereof;
- “lighting equipment” includes lamps, lanterns, lamp-posts, standards, lamp-brackets, cables, pipes, wires, burners and switches and other control apparatus;
- “street lighting equipment” means lighting equipment used or intended to be used for the lighting of streets and other public places; and
- “structure” includes any building, wall, railing or fence, and any bridge or aqueduct over a street.

B. Lighting streets, etc.

291. The Corporation shall, to such extent and in such manner as they consider appropriate, light the streets, and any other public places which they consider should be lit at the public expense. Streets, etc., to
be lit by
Corporation.
292. Subject to the provisions of this Part of this Order, the Corporation may:— Installation
of street
lighting
equipment.
- (a) provide, instal and maintain street lighting equipment in any street or other public place; and
- (b) affix street lighting equipment to any structure fronting or adjoining any street or other public place.

PART XX
—cont.Power to
provide
illuminations,
floodlights, etc

293.—(1) The Corporation may provide floodlights, flashlights or other illuminations in, on, over or in proximity to:—

- (a) any of the parks;
- (b) the seashore;
- (c) any land or premises vested in the Corporation; and
- (d) (with the consent of the owner) any other land or premises.

(2) The Corporation may illuminate any street name.

(3) The Corporation may instal and maintain any lighting equipment appropriate for the exercise of their powers under this section.

(4) The Corporation shall not continue any illumination under this section which, in the opinion of the railways board, hinders or is likely to hinder the interpretation of any railway signal, or is likely to render more hazardous the use of any railway.

*C. Lighting common stairs, etc.*Power to
light common
stairs.

294.—(1) The Corporation may, to such extent and in such manner as they consider appropriate, light common stairs, and for that purpose they may:—

- (a) provide, instal and maintain lighting equipment in common stairs; and
- (b) make arrangements for lighting and extinguishing the lamps.

(2) The Corporation may continue to light any stairs lit by them at the commencement of this Order notwithstanding that such stairs are not common stairs.

Lighting
equipment for
common stairs
may be affixed
to outside of
buildings.

295. The Corporation may, for the purpose of lighting any common stair, affix lighting equipment to the outside of the building in which such common stair is situated or to the outside of any adjoining building.

Lighting of
certain stairs
and passages
used in
common.

296. The Corporation may make arrangements, on such terms and conditions as they may determine, with the owners of any building in the occupation of more than one occupier with respect to the provision, installation and maintenance of lighting equipment in, and the lighting by the Corporation of, any stair or passage in such building used in common by the occupiers of the building (not being a common stair which the Corporation are authorised to light in pursuance of section 294 (Power to light common stairs) of this Order).

*D. General*As to fixing of
lighting
equipment to
structures.

297.—(1) (a) The owner of any structure to which lighting equipment has been affixed by the Corporation in the exercise of their powers under paragraph (b) of section 292 (Installation of street lighting equipment) or under section 295 (Lighting equipment for common stairs may be affixed to outside of buildings) of this Order which suffers damage by or in consequence of the affixing of such equipment to such structure shall be entitled to compensation in respect of such damage.

(b) Any dispute arising under this subsection as to the fact of damage or the amount of compensation shall be settled by arbitration.

PART XX
—cont.

(2) Where any such lighting equipment has been affixed to a structure under either of the provisions referred to in the preceding subsection, the owner of the structure may, on giving fourteen days' notice to the Corporation, require them, at their own expense, to remove such equipment temporarily where necessary during any reconstruction or repair of the structure.

298.—(1) (a) The Corporation shall not, without the consent of the railways board, affix lighting equipment to any structure of the railways board or instal lighting equipment so as to affect any works of the railways board.

Restrictions on
installation of
lighting
equipment.

(b) A consent of the railways board required under the preceding paragraph shall not be unreasonably withheld, and any consent granted may be granted subject to such reasonable conditions as may be prescribed by the railways board.

(c) Any dispute as to—

(i) whether a consent required under paragraph (a) of this subsection has been unreasonably withheld; or

(ii) the reasonableness of any condition subject to which a consent under the said paragraph has been granted;

shall be settled by arbitration.

(2) Lighting equipment shall be so constructed, maintained and used by the Corporation as to avoid interference with:—

(a) any telegraphic line belonging to or used by the Postmaster General, or with telegraphic communication by means of any such line; and

(b) the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways.

299.—(1) If any person negligently or otherwise damages any lighting equipment installed by the Corporation the expense reasonably incurred by the Corporation in making good such damage shall be recoverable by them from such person.

Recovery of
expense of
making good
damage to
lighting
equipment.

(2) Where any such damage has been caused by a vehicle, the expense reasonably incurred by the Corporation in making good such damage shall be recoverable by them from either the driver or (unless such vehicle was being driven without his consent) the owner of the vehicle.

PART XXI

SEWERS AND DRAINS

A. Definitions for Part XXI

300. In this Part of this Order—

Definitions for
Part XXI.

“cesspool” includes a settlement tank or other tank for the reception and disposal of foul water from buildings;

PART XXI
—cont.

“drainage system”, in relation to a building, means the system of pipes and drains used for the drainage of the building, including all other fittings, appliances and equipment so used, but excluding subsoil water drains;

“land” includes coal and mines of coal;

“sewage” means any substance which passes through a public sewer or the sewers referred to in section 333 (Definitions for Part XXII) of this Order;

“soil appliance” means a sanitary appliance for the collection and discharge of excreted matter;

“street” includes any highway and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“surface water” means the run-off of rainwater from roofs and the ground surface, whether paved or unpaved; and

“waste appliance” means a sanitary appliance for the collection and discharge of water used for ablutionary, culinary and other domestic purposes.

B. *General functions of Corporation in relation to drainage*

General duty of Corporation to provide for drainage of city.

301.—(1) Subject to the provisions of this Part of this Order, the Corporation shall:—

(a) provide and maintain all sewers, including sewers reserved for surface water (other than private sewers or drains for the drainage of the lands of any person), necessary for effectually draining the city in a suitable manner;

(b) provide and maintain all works and apparatus necessary for operating and scouring such sewers; and

(c) make provision, by means of sewage disposal works or otherwise, for the treatment and disposal of sewage.

(2) Sewers provided by, or vested in, the Corporation under this Part of this Order shall be known as “public sewers”:

Provided that a sewer constructed by the Corporation for the purpose only of draining lands vested in them shall be deemed to be a private sewer until it has been declared to be a public sewer.

(3) The functions of the Corporation under subsection (1) (c) of this section shall include power to—

(a) make or produce;

(b) convert, utilise, treat, or otherwise make merchantable; and

(c) sell or otherwise dispose of;

any product arising directly or indirectly in or out of the process of the treatment or disposal of sewage.

Map of public sewers.

302. The Corporation shall keep deposited at the office of the city engineer, for inspection by any person free of charge at all reasonable hours, a map showing, so far as reasonably practicable, the size, depth and position of the public sewers, and the city engineer shall from time to time make any necessary corrections, alterations and additions to such map.

303.—(1) The Corporation may within the city and, subject to the provisions of the succeeding section, outwith the city for the purpose of outfall, or the treatment or disposal of sewage:—

PART XXI
—cont.

Construction of
public sewers,
etc., by
Corporation.

(a) construct a public sewer:—

(i) in, under or over any street, or through or under any cellar under any street; and

(ii) in, on or over any land not forming part of a street, after giving reasonable notice to the owner and occupier of that land; and

(b) construct and maintain sewage disposal works on any land vested in them;

and may from time to time inspect, maintain, alter and renew, or may remove or abandon, any public sewer.

(2) Where the Corporation, in the exercise of their powers under the preceding subsection, lay a public sewer in, on or over any land not forming part of a street, or inspect, maintain, alter, renew or remove a public sewer laid in, on or over any such land, they shall from time to time, subject to the provisions of this Order, pay compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of the laying, inspection, maintenance, alteration, renewal or removal of such public sewer.

(3) (a) The Corporation shall be entitled to set off against the amount of any compensation payable by them to an owner of land in respect of damage done to, or injurious affection of, such land by reason of the exercise of their powers under subsection (1) of this section the amount by which the value to the owner of any land vested in him has been enhanced by the construction of the public sewer.

(b) Any question arising under this subsection as to the right of the Corporation to make such a set off or as to the amount so to be set off shall, subject to the provisions of paragraph 4 of Schedule 10 to this Order, be referred to, and determined, in default of agreement, by, the Lands Tribunal for Scotland and, if the claim by such owner for compensation in respect of damage to, or injurious affection of, such land has been referred to the said Lands Tribunal, the references on both questions shall be conjoined.

304.—(1) Where the Corporation, in the exercise of their powers under subsection (1) of the preceding section, propose to construct a public sewer outwith the city, they shall:—

Conditions as
to constructing
public sewers
outwith city.

(a) in the case of each local authority district in which they propose to construct the public sewer, publish by advertisement in a newspaper circulating in the district a notice describing the nature of their proposals, specifying the land directly affected thereby, and naming a place where a plan illustrative of their proposals may be inspected at all reasonable hours by any person free of charge; and

(b) serve, not later than the date of the publication of the said notice, a copy thereof on the local authority of the district and on the highway authority for any highway in which they propose to construct the public sewer.

PART XXI
—cont.

(2) If, within forty days after the date of the publication of the notice referred to in the preceding subsection, notice of objection to their proposals is served on the Corporation either by any local authority or any highway authority referred to in paragraph (b) of the preceding subsection or by any owner or occupier of land directly affected by the proposals, they shall not proceed with their proposals without the consent of the Secretary of State.

(3) The provisions of this section with respect to the publication and service of, and objections to, notices shall not apply where the work which the Corporation propose to execute outwith the city consists only of constructing a public sewer in a highway and they have obtained the consent of the local authority of the district within which that highway is situated and also, where that other authority is not the highway authority for the highway in question, the consent of the highway authority.

(4) For the purposes of this section “district”, “highway” and “highway authority” have the meanings respectively assigned to them by the Act of 1946.

Power to lay
public sewers
in beds of
rivers.

305. Subject to the provisions of this Part of this Order, the Corporation may carry any public sewer across, over or under the bed of the river, and over or under any mill lade connected with the river and, with the consent of the Secretary of State, across, over or under the bed of the river Almond and over or under any mill lade connected with that river.

Discharge of
public sewers
into tidal
waters.

306.—(1) The Corporation may construct any public sewer so as to discharge into any tidal waters.

(2) Nothing in the preceding subsection shall authorise the Corporation, otherwise than by agreement with the dock commission, to construct any public sewer so as to discharge into the harbour and docks of Leith, but this subsection shall not affect the powers of the Corporation with respect to the maintenance, improvement or reconstruction of any public sewer discharging into the harbour and docks of Leith at the commencement of this Order.

(3) Nothing in this section shall be in derogation of the Acts of 1951 and 1965.

Discharge of
public sewers
into water-
courses.

307.—(1) (a) Subject to the provisions of the Acts of 1951 and 1965, the Corporation may discharge into any watercourse:—

(i) the contents of any public sewer reserved for surface water; and

(ii) the contents of any public sewer:—

(a) during times of heavy rainfall; and

(b) while it is being repaired, scoured, altered or renewed, or is stopped up or interfered with by accident or any other cause.

(b) When the Corporation propose to discharge the contents of any public sewer into any watercourse while it is being repaired, scoured, altered or renewed, they shall (except in a case of emergency)

give not less than seven days' notice of their intention to the Lothians River Purification Board, and shall have due regard to any representations made to them by the said board as to the time, mode and rate of discharge with a view to avoiding or minimising injury or inconvenience from such discharge.

PART XXI
—cont.

(2) (a) In the exercise of the powers conferred by the preceding subsection the Corporation shall do as little damage as may be and shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise of those powers.

(b) Any dispute arising under this section as to the fact of damage or incurring of liability or as to the amount of the compensation shall be settled by arbitration.

308.—(1) The Corporation may, for the purpose of scouring any public sewer, from time to time divert water from the river or from any mill lade connected with the river or, with the consent of the Secretary of State, from the river Almond or from any mill lade connected with the river Almond.

Use of waters
of rivers for
scouring public
sewers.

(2) Subsection (2) of the preceding section shall apply with respect to the exercise by the Corporation of their powers under the preceding subsection.

C. Protection of public sewers

309.—(1) (a) A person shall not, without the consent of the Corporation, construct any building over any public sewer shown on the map referred to in section 302 (Map of public sewers) of this Order, or deposit any materials or things over any such public sewer of such a nature or in such quantity as to be likely to cause damage to such public sewer or obstruct access thereto.

Buildings not
to be con-
structed, or
materials
deposited, over
public sewers
without
consent.

(b) Any person aggrieved by any decision of the Corporation:—

- (i) refusing a consent under the preceding paragraph; or
- (ii) prescribing conditions with respect to any consent granted under the preceding paragraph;

may require such decision to be referred to, and determined by, arbitration.

(2) The Corporation may demolish any building constructed, or remove any materials or things deposited, in contravention of the preceding subsection, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the person constructing such building or depositing such materials or things.

310.—(1) The Corporation may, for the purpose of ventilating the public sewers and other works connected therewith:—

Ventilation of
public sewers,
etc.

- (a) provide ventilating shafts and pipes, fans and other necessary works; and
- (b) fix such ventilating shafts or pipes into, on or against any building, or on any land, after giving reasonable notice to the owner and occupier of such building or land;

and may from time to time inspect, maintain, alter and renew, or may remove, any such works.

PART XXI
—cont.

(2) The Corporation shall from time to time, subject to the provisions of this Order, pay compensation to the owner and occupier of any such building or land for damage to, or injurious affection of, such building or land by reason of the exercise of their powers under paragraph (b) of the preceding subsection.

Injurious matter not to be permitted to pass into sewers or drains.

311.—(1) A person shall not discharge, or cause or permit to flow or pass, into any public sewer, or into any sewer or drain communicating with a public sewer:—

- (a) any waste or live steam, condensing water or other liquid of a temperature exceeding 110 degrees Fahrenheit;
- (b) any petroleum spirit, carbide of calcium, or explosive substance; or
- (c) any liquid or any solid matter of whatever description which, either by itself or by admixture with any other liquid or matter therein:—
 - (i) would be likely to interfere with the free flow of the contents of such public sewer, or to affect prejudicially the treatment and disposal of its contents; or
 - (ii) would be injurious to the construction, maintenance, use or efficiency of such public sewer; or
 - (iii) would cause, or be likely to cause, silting up, encrustation, corrosion or decay in the materials of such public sewer or of any works connected therewith; or
 - (iv) would cause, or be likely to cause, a nuisance or involve danger to, or injury to the health of, persons engaged in the construction or maintenance of such public sewer or of any works connected therewith.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

(3) (a) Any person proposing to make a new discharge of trade effluent into any public sewer, or into any sewer or drain communicating with a public sewer, may apply to the Corporation for a determination as to whether or not such discharge would be a prohibited discharge.

(b) An application under the preceding paragraph shall be made in writing addressed to the city engineer.

(c) If the Corporation fail to give the applicant notice of their decision on any application under paragraph (a) of this subsection within two months from the receipt of such application they shall be deemed to have determined that the discharge to which such application relates would be a prohibited discharge.

(d) If any person is aggrieved by a determination made or deemed to have been made under this subsection that a discharge would be a prohibited discharge the question of the reasonableness of such determination shall be settled by arbitration.

(e) In this subsection:—

- (i) “new discharge” means a discharge which is not, as respects the nature and composition, temperature, volume and rate of

discharge of the effluent, substantially a repetition or continuation of a previous discharge made within the preceding twelve months (whether from the same or a different outlet) so however that a discharge which is in other respects a repetition or continuation of a previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge; and

PART XXI
—cont.

(ii) “prohibited discharge” means a discharge prohibited under subsection (1) (c) of this section.

312.—(1) Any person who wilfully does anything by reason of which the drainage of the city may be obstructed or damaged shall be guilty of an offence.

Penalty for obstructing or damaging drainage of city.

(2) The preceding subsection shall not apply to the exercise of the powers conferred on the dock commission by the Leith Harbour and Docks Order, 1962.

313.—(1) A person shall not deposit in, or cause to enter, any soil appliance or waste appliance, any ashes or other matter by which such soil appliance or waste appliance may be obstructed.

Ashes, etc., not to be permitted to enter soil or waste appliances.

(2) (a) Any person acting in contravention of the preceding subsection shall be guilty of an offence, and the city engineer may execute any work necessary to remove such obstruction, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the occupier of the premises in which such soil appliance or waste appliance is situated.

(b) In the case of any such contravention the occupier of the premises in which such soil appliance or waste appliance is situated shall, in the absence of evidence to the contrary, be deemed to be the person offending.

314. The Corporation may from time to time, by notice, require the owner of any building for which a trap or tank has been provided in pursuance of regulation 149 of the building standards regulations (which relates to the provision of traps or tanks for the interception and retention of oil, fat, grease, volatile substances or silt, etc.) to empty and clean out such trap or tank and dispose of the contents.

Emptying and cleaning of oil, etc., interceptors from garages, etc.

D. Communication of private sewers and drains, and sewers of other local authorities, with public sewers

315. Subject to the provisions of this Part of this Order:—

- (a) an owner or occupier of any premises; and
- (b) the owner of any private sewer;

Right of owners and occupiers within city to drain into public sewers.

within the city shall be entitled to have his private sewer or drains made to communicate with a public sewer and thereby to discharge foul water and surface water from such premises or such private sewer or drains into such public sewer:

PART XXI
—cont.

Provided that nothing in this subsection shall entitle any person:—

- (i) to discharge any foul water, directly or indirectly, into a public sewer reserved for surface water; or
- (ii) to discharge, directly or indirectly, into any public sewer any liquid or other matter the discharge of which into public sewers is prohibited by or under any enactment, including this Order; or
- (iii) to have his private sewer or drains made to communicate directly with a storm-water overflow sewer.

Use of public sewers by other local authorities and by owners or occupiers outwith city.

316.—(1) The local authority of any area outwith the city may, with the consent of the Corporation, and subject to the making of such reasonable payment, or periodic payments, as the Corporation may prescribe, make any of their sewers to communicate with a public sewer.

(2) The owner or occupier of any premises, and the owner of any private sewer, outwith the city may, with the consent of the Corporation, and subject to the making of such reasonable payment, or periodic payments, as the Corporation may prescribe, have his private sewer or drains made to communicate with a public sewer as if his premises or private sewer, as the case may be, were within the city.

(3) The proviso to the preceding section shall apply with respect to the preceding provisions of this section as if it had, with any necessary adaptations, been re-enacted therein.

Making of communications with public sewers.

317.—(1) A communication with a public sewer shall be made only by the Corporation, and the point of communication and the manner of effecting such communication shall be determined by the city engineer.

(2) The Corporation may fix a scale of charges for making such communications, and such charges shall be recoverable by the Corporation from the person on whose behalf, or on whose application, such communication was made.

(3) Where a private sewer or drain, or a sewer of another local authority, has been made to communicate with a public sewer without the consent of the Corporation, the Corporation may:—

- (a) stop up the communication between such sewer or drain and the public sewer; or
- (b) execute any work necessary for making such communication conform with their requirements;

and the expense reasonably incurred in so doing shall be recoverable by them from the person or local authority by or on whose behalf such communication was made.

E. Construction of new sewers by private developers

Construction of new sewers by private developers.

318.—(1) A person shall not construct a private sewer which is intended to communicate with a public sewer except in accordance with an order made by the Corporation under this head of this Part of this Order authorising the construction of such private sewer.

(2) (a) The provisions with reference to applications for authority to construct new streets, and the disposal of such applications, contained in head I (Construction of new streets by private developers) of Part XVIII (Streets) of this Order shall, with any necessary adaptations and subject as hereinafter provided in this section, apply with reference to applications under this section.

(b) The plans to be lodged with reference to any such private sewer shall show:—

- (i) the intended line, size, depth and inclination thereof;
- (ii) the proposed point of communication with the public sewer; and
- (iii) the details of the arrangements proposed for ventilation, and for access for the purpose of maintenance;

and there shall be lodged with such plans a specification of the materials proposed to be used in the construction of such private sewer.

(c) Section 260 (Penalty for constructing new street without authority, etc.) and section 261 (Powers of Corporation where new street constructed without authority, etc.) of this Order shall, with any necessary adaptations, apply in relation to any contravention of the preceding subsection.

319.—(1) Where the plans and specifications submitted under the preceding section are such as would be approved by the Corporation as sufficient for the drainage of the lands or buildings of the person proposing to construct the private sewer but the Corporation are of opinion that the sewer should be so constructed as to be capable of draining additional lands and buildings, they may require such person to construct such sewer in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposed to construct it, and such person shall comply with such requirements.

Corporation may require private sewer to be so constructed as to drain additional lands and buildings.

(2) Upon the completion of the construction of such private sewer it shall vest in the Corporation as a public sewer.

(3) The Corporation shall repay to the person constructing such private sewer the expense reasonably incurred by him in the construction of such sewer additional to the expense which he would have incurred in the construction of a sewer sufficient for the drainage of his lands or buildings, and any dispute as to the amount of such additional expense shall be settled by arbitration.

(4) The Corporation may, as a condition of allowing any person other than the owner of the land through which such sewer is constructed, or his feuars, to make use of such sewer, recover from such person such additional expense so far as relating to the lands or buildings of such person to be drained by such sewer.

F. Private sewers and drains, cesspools, etc.

320.—(1) All private sewers and drains shall be under the survey and control of the Corporation, and shall be maintained by the owners of the premises to which they are connected.

Private sewers and drains to be maintained by owners.

PART XXI
—cont.

(2) (a) The city engineer may, by notice, require the owners of any premises to which any private sewer or drain is connected to repair or scour such private sewer or drain.

(b) Where several premises in different ownership are connected to such private sewer or drain the expense of any such works executed by the city engineer shall be recoverable from each of such owners in the proportion which the net annual value of the premises of each of such owners bears to the aggregate of the net annual value of all the premises connected to such private sewer or drain.

(c) A notice under this subsection shall be deemed to be validly served if it is served on all the owners whose premises are known by the city engineer to be connected to such private sewer or drain.

(d) Where a notice under this subsection has been served on the owners of any premises to which any private sewer or drain is connected requiring them to repair or scour such private sewer or drain, and the works required by such notice are executed by such owners and it is ascertained, while such works are being executed or after they have been completed, that such private sewer or drain is also connected to premises in the ownership of other persons (on whom notice was not served) such other persons shall be liable to contribute a proportion of the expense (calculated in accordance with paragraph (b) of this subsection) of such works notwithstanding that notice was not served upon them.

(e) Where the requirements of a notice under this subsection are not complied with, and it is subsequently ascertained, while the works required by such notice are being executed by the city engineer or after they have been completed, that such private sewer or drain is also connected to premises in the ownership of other persons (on whom notice was not served) such other persons shall be liable for a proportion of the expense (calculated in accordance with paragraph (b) of this subsection) of the works executed by the city engineer notwithstanding that notice was not served upon them.

(3) The city engineer, and any other authorised officer may, in a case of emergency (of which such officer shall be the sole judge) cause any private sewer or drain to be repaired or scoured without notice having been given in pursuance of paragraph (a) of the preceding subsection (but in any such case notice shall be given by the city engineer or by such officer, as the case may be, as soon as possible thereafter), and the expense of such works (calculated in accordance with paragraph (b) of the preceding subsection) shall be recoverable by the Corporation from the owner or owners of any premises to which such private sewer or drain is connected.

(4) Nothing in this section shall impose on the Corporation any liability in respect of injury to persons or damage to property resulting from the condition of any private sewer or drain.

(5) For the purposes of this section “private sewer” and “drain” includes any pipe for conveying soil water or waste water to a private sewer or drain, and any pipe provided for ventilating a private sewer or drain.

321. When the carriageway of a private street has been taken over by, and has vested in, the Corporation, any private sewers therein shall, unless otherwise agreed between the owners and the Corporation, vest in the Corporation as public sewers.

PART XXI
—cont.
Sewers in
private streets.

322. The Corporation may, by agreement, take over any private sewer, and every private sewer so taken over shall vest in the Corporation as a public sewer.

Corporation may
take over private
sewers.

323.—(1) Any person who has opened up a private sewer or drain for any purpose shall give notice to the city engineer before proceeding to cover up such private sewer or drain, and the city engineer shall cause such private sewer or drain to be inspected and tested within twenty-four hours of receiving such notice.

Notice to be
given before
private sewers
or drains
covered up.

(2) Any person who covers up such private sewer or drain without having given notice to the city engineer, or before the expiration of twenty-four hours from the receipt of such notice (unless during such period such private sewer or drain has been inspected and tested by the city engineer) shall be guilty of an offence and the city engineer may cause such private sewer or drain to be uncovered for the purpose of inspection and testing, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such person.

324. Section 309 (Buildings not to be constructed, or materials deposited, over public sewers without consent) of this Order shall, with any necessary adaptations, apply with respect to the manholes provided for private sewers and drains as it applies with respect to public sewers.

Manholes
provided for
private sewers
and drains
not to be
obstructed.

325.—(1) Every cesspool shall be constructed, maintained and operated to the satisfaction of the city engineer.

Cesspools.

(2) (a) A person shall not, without the consent of the Corporation, form or construct a cesspool:—

- (i) within 100 feet of any dwellinghouse; or
- (ii) within 200 feet of any well or spring.

(b) Any person aggrieved by any decision of the Corporation:—

- (i) refusing a consent under the preceding paragraph; or
- (ii) prescribing conditions with respect to any consent granted under the preceding paragraph;

may require such decision to be referred to, and determined by, arbitration.

(c) Any person acting in contravention of this subsection shall be guilty of an offence, and the city engineer may, by notice, require such person to execute any work necessary for filling up or removing such cesspool or otherwise rendering it innocuous.

(3) If at any time a public sewer is provided within 100 yards of any building of which the drainage is discharged into a cesspool, the city engineer may, by notice, require the owner of such building to construct a private sewer for the drainage of such building, and to cause such private sewer to communicate with the public sewer, and thereafter to disconnect and stop up the drain leading to such cesspool to the satisfaction of the city engineer:

PART XXI
—cont.

Provided that the city engineer shall not be entitled to serve such notice unless:—

- (a) the public sewer is at a level which makes it reasonably practicable to construct such private sewer so as to drain by gravitation into the public sewer; and
- (b) the land intervening between such building and the public sewer is land through which such owner is entitled to construct a private sewer.

G. Drainage of buildings

Drainage of cellars, etc., under street level.

326. Notwithstanding anything in this Part of this Order the Corporation shall not:—

- (a) be required to provide for the drainage of cellars under street level unless they can be drained by gravitation into a public sewer; or
- (b) be liable for any flooding of any floor or cellar under street level in any building.

Buildings with separate drains for foul water and for surface water.

327.—(1) Where any building has been provided with separate drains for foul water and for surface water the owner of such building shall, unless the Corporation otherwise approve, maintain such separate drains, and shall not discharge surface water, or permit surface water to flow, from such building into any public sewer other than a public sewer reserved for surface water.

(2) Any such owner acting in contravention of the preceding subsection shall be guilty of an offence, and the city engineer may execute any works necessary to prevent such discharge or flow, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such owner.

Inspection of drainage of buildings.

328.—(1) Without prejudice to the provisions of section 330 (Power to enter, survey, etc., lands and premises for purposes of Part XXI) of this Order, the city engineer and any other authorised officer may, on producing (if required) his authority:—

- (a) inspect, and apply such tests as he considers necessary to, the drainage system of any building; and
- (b) for that purpose:—
 - (i) enter upon any lands with such other persons as may be necessary; and
 - (ii) cause the ground to be opened where he thinks fit, doing as little damage as may be.

(2) If such drainage system is found to be in proper order and condition the person making the inspection or test shall reinstate any ground opened by him, and any damage done shall be made good by the Corporation.

(3) If such drainage system is found to be in disrepair, the city engineer, or such authorised officer, as the case may be, may, by notice,

require the owner of the building to repair such drainage system or any part thereof, and subsection (2) of section 320 (Private sewers and drains to be maintained by owners) of this Order shall, with any necessary adaptations, apply with respect to any such requirement.

PART XXI
—cont.

329. All soil appliances and waste appliances in or on any premises shall be maintained by the owners of such premises and if it appears to the city engineer that any soil appliance or waste appliance in or on any premises is stopped up, fractured or leaking, he may, by notice, require the owner of such premises to remedy the defect within twenty-four hours.

Summary
power to
remedy
defective soil
and waste
appliances.

H. Entry to lands and premises for purposes of Part XXI

330.—(1) The power to enter premises conferred on authorised officers by section 629 (Power to enter premises) of this Order shall include power to enter, examine and lay open any lands or premises within or outwith the city for the purpose of surveying, measuring, taking levels, examining works, ascertaining the course of public sewers and private sewers, and drains discharging into public or private sewers, and of maintaining, reconstructing or altering public sewers, or any other purpose ancillary to the powers conferred by this Part of this Order:

Power to enter,
survey, etc.,
lands and
premises for
purposes of
Part XXI.

Provided that such power shall not be exercised with respect to any lands or premises unless notice of the intention to enter such lands or premises, and the nature of the operations proposed to be carried out, has been given to the occupier not less than seven days before the first entry (except in case of emergency, in which case notice shall be given as soon as possible) and in any case further notice shall not be required in respect of any subsequent entry on the lands or premises for the purpose of carrying out the operations specified in the notice.

(2) An authorised officer acting in the exercise of the powers conferred by the preceding subsection shall cause as little detriment and inconvenience to any person as circumstances allow, and the Corporation shall, subject to the provisions of this Order, make compensation to the owners and occupiers of any lands or premises injuriously affected by the exercise of such powers.

I. General

331.—(1) If any land to which section 328 (Inspection of drainage of buildings) of this Order or the preceding section applies is operational land held by statutory undertakers and those undertakers object to the exercise of the powers of either of such sections with respect to such land on the ground that the exercise of such powers would be seriously detrimental to the carrying on of their undertaking, such powers shall not be exercised without the authority of the Secretary of State.

Saving for
statutory under-
takers in
respect of entry
for certain
purposes of
Part XXI.

(2) This section shall apply to the National Coal Board as if they were statutory undertakers and for the purpose of such application the definition of operational land shall have the same meaning as the term "specified land" has in the Town and Country Planning (National Coal Board) (Scotland) Regulations, 1951 (No. 725) (s. 34).

332. The Corporation shall so discharge their functions under this Part of this Order as not to create a nuisance.

Corporation
not to create
nuisance under
Part XXI.

PART XXII

WATER OF LEITH

*A. Definitions for Part XXII*Definitions for
Part XXII.

333. In this Part of this Order—

“ day ” in a context relating to a rate of discharge of water or trade effluent, means a period of twenty-four hours reckoned from midnight, and “ daily ” shall be construed accordingly;

1887, c. vi.

“ mill lade pipe ” means the pipe laid by the Corporation under the powers conferred by the Edinburgh Improvement Act, 1887, commencing at the weir across the river immediately above Legget’s Skinnery and terminating 170 yards north of Broughton Road by a connection with a public sewer, and includes the requisite service pipes in connection therewith;

“ river water ” means water abstracted by the Corporation from the river;

“ schedule 6 premises ” means the premises specified in Schedule 6 to this Order;

“ schedule 7 premises ” means the premises specified in Schedule 7 to this Order; and

“ sewers ” means the sewers constructed by, or which were vested in, the Water of Leith Purification and Sewerage Commissioners under the Water of Leith Purification and Sewerage Acts, 1889 to 1908, other than the length of sewer connected to the Sighthill-Balerno sewer of the county council of the county of Midlothian and which is now vested in the said county council in pursuance of the repealed Acts.

*B. Maintenance of flow of Water of Leith, etc.*Improvement
of flow of
Water of
Leith.

334.—(1) The Corporation may, for the purpose of maintaining and improving the flow of the river, and of preserving and improving amenity:—

(a) clean the bed of the river and remove accumulations of silt, refuse or other obstructions;

(b) maintain, alter, improve and reconstruct all works executed by them in the bed, and on the banks, of the river; and

(c) alter the level, gradient, alignment and width of any part of the bed of the river.

(2) (a) The powers conferred by the preceding subsection shall (without prejudice to the generality of that subsection) include power to:—

(i) deposit on the banks of the river and carry away any mud, gravel or other material removed from the river;

(ii) remove any dam, weir, sluice or other work situated in the bed, or on the banks, of the river which is no longer required or which is in a state of disrepair, or has become ruinous or derelict; and

(iii) remove any tree growing in the bed, or on the banks, of the river.

PART XXII
—cont.

(b) Any dispute arising under sub-paragraph (ii) of the preceding paragraph between the Corporation and the owner or occupier of any mill or other work on the river as to whether any dam, weir, sluice or other work is no longer required, or is in a state of disrepair, or has become ruinous or derelict, shall be settled by arbitration.

(3) (a) In the exercise of the powers conferred by subsection (1) (c) of this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for any loss or damage sustained by them by reason of the exercise of those powers.

(b) Any dispute arising under the preceding paragraph as to the fact of loss or damage or as to the amount of compensation shall be settled by arbitration.

(4) The Corporation may contribute towards the expense incurred by any other person in carrying out operations which could have been carried out by them under this section.

(5) The powers conferred by this section, or the exercise thereof, shall not relieve any person of any liability attaching to him in reference to the matters specified in this section.

(6) Nothing in this section shall authorise the carrying out by the Corporation of any operations in contravention of the Acts of 1951 and 1965 or of any byelaws made thereunder.

335.—(1) (a) A person shall not, without the consent of the Corporation, construct any work in the bed, or on the banks, of the river which would be likely to:—

Restriction on
works in
Water of
Leith.

- (i) interfere with, or obstruct the flow of, the river; or
- (ii) diminish the flow of the river, or abstract or divert water therefrom.

(b) Any person aggrieved by any decision of the Corporation:—

- (i) refusing a consent under the preceding paragraph; or
- (ii) prescribing conditions with respect to any consent granted under the preceding paragraph;

may require such decision to be referred to, and determined by, arbitration.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence, and the Corporation may remove any work constructed in contravention of that subsection, and the expense reasonably incurred in so doing shall be recoverable by them from the person in default.

(3) Nothing in this section shall be in derogation of section 21 (2) of the Act of 1946 (which provides that the Secretary of State may, by order, provide for the compulsory acquisition by a local water authority of right to take water from a stream or other source of supply).

PART XXII
—cont.Byelaws as to
fishing in
Water of
Leith.

336.—(1) The Corporation may make byelaws for the protection and preservation of the fish and for the regulation of fishing in the river so far as within the city.

(2) A printed copy, or sufficient abstract, of any byelaws made under this section shall be exhibited by the Corporation in such characters, at such places and in such positions as to secure that adequate notice is given to the public of the effect of such byelaws.

*C. Supply of river water to schedule 6 premises*Corporation to
continue to
supply river
water to
schedule 6
premises.

337.—(1) Subject to the provisions of this head of this Part of this Order, the Corporation may continue to abstract water from the river by means of the mill lade pipe for the purpose of supplying river water to the schedule 6 premises and shall, if required by the occupier of any of the schedule 6 premises, supply to such premises a quantity of river water not exceeding the maximum quantity specified in column 4 of Schedule 6 to this Order opposite to such premises.

(2) The Corporation shall not be liable for any loss or damage arising from or in consequence of any interruption of the supply of river water provided by them to any of the schedule 6 premises due to any cause not within their control, but they shall, as soon as reasonably practicable, take steps to restore the supply of river water which may be interrupted from any such cause.

Maintenance of
meters and
recorder at
schedule 6
premises.

338.—(1) Subject to the provisions of this head of this Part of this Order, the Corporation shall continue to maintain:—

- (a) each of the existing meters at the premises numbered 1, 2, 4, 5 and 6 in Schedule 6 to this Order; and
- (b) the existing recorder at the premises numbered 7 in the said schedule;

and shall renew such meters and such recorder from time to time when necessary.

(2) The occupiers of the premises numbered 3 in Schedule 6 to this Order shall continue to maintain the meter provided by them at such premises.

Maintenance
of mill lade
pipe.

339. Subject to the provisions of this head of this Part of this Order, the Corporation shall continue to maintain the mill lade pipe for the purpose of supplying river water to the schedule 6 premises in accordance with, and to the extent required by, this head of this Part of this Order.

Discontinuance
of supply of
river water to
schedule 6
premises.

340.—(1) Notwithstanding anything in this head of this Part of this Order, the Corporation may discontinue the supply of river water to any of the schedule 6 premises on giving not less than twelve months' notice to the owner and occupier of such premises.

(2) (a) The owner of any such premises shall be entitled to compensation in respect of the discontinuance of such supply.

(b) Such compensation shall be assessed by reference to the average amount of river water supplied to such premises by the Corporation

during each of the three years preceding the date on which the Corporation give notice of such discontinuance, and in assessing such compensation regard shall be had to:—

PART XXII
—cont.

- (i) the amount of water rates and charges which may reasonably be expected to become payable in respect of an equivalent supply of water to such premises from the local water authority; and
- (ii) any payments made to the Corporation in respect of the supply of river water to such premises which will cease to be payable on such discontinuance.

(c) The Corporation shall repay to the owner of any such premises any expenditure reasonably incurred by him in disconnecting the supply of river water to such premises and in having such premises connected with the water mains of the local water authority.

(d) Any dispute as to the amount of compensation or expenditure under this subsection shall be settled by arbitration.

(3) On the discontinuance of the supply of river water by the Corporation to any of the schedule 6 premises all obligations of the Corporation, however constituted, to supply river water to such premises shall cease and determine.

341. On the discontinuance of the supply of river water by the Corporation to all the schedule 6 premises the Corporation may abandon the mill lade pipe.

Abandonment
of mill lade
pipe.

D. Discharges into Water of Leith sewers

Nature and quantities of discharges

342.—(1) Subject as hereinafter provided in this section, the Corporation shall continue to maintain the sewers and they may use them as public sewers.

Use of Water
of Leith
sewers.

(2) The occupiers of the schedule 7 premises shall, subject to the provisions of this head of this Part of this Order, be entitled to discharge from such premises into the sewers:—

- (a) soil water and waste water; and
- (b) trade effluent not exceeding the maximum quantity, or at a rate in excess of the maximum rate of discharge, prescribed by or in pursuance of this head of this Part of this Order.

343.—(1) Subject to the provisions of this head of this Part of this Order the maximum quantities of trade effluent which the occupiers of the schedule 7 premises shall be entitled to discharge into the sewers, and the maximum rates at which such quantities may be discharged, shall be those specified in columns 4 and 5 respectively of Schedule 7 to this Order opposite to each of such premises.

Allocation of
quantities, etc.,
of trade
effluent to be
discharged into
Water of Leith
sewers.

(2) The occupier of any premises who discharges trade effluent, or causes or permits trade effluent to be discharged, from such premises into the sewers of a quantity in excess of the maximum quantity, or

PART XXII
—cont.

at a rate in excess of the maximum rate of discharge, as the case may be, specified in columns 4 and 5 respectively of Schedule 7 to this Order, opposite to such premises, shall be guilty of an offence:

Provided that:—

- (a) in the case of the premises numbered 4 in Schedule 7 to this Order, the occupier shall not be guilty of contravening this subsection in respect of any discharge of trade effluent from such premises if, during the period of discharge, the combined quantity, or rate of discharge, as the case may be, of trade effluent from such premises and the premises numbered 3 in the said schedule did not exceed the combined quantity, or rate of discharge, as the case may be, for the time being applicable to both of such premises; and
- (b) in the case of either of the premises numbered 6 or 7 in Schedule 7 to this Order, the occupier shall not be guilty of contravening this subsection in respect of any discharge of trade effluent from such premises if, during the period of discharge, the combined quantity, or rate of discharge, as the case may be, of trade effluent from both of such premises did not exceed the combined quantity, or rate of discharge, as the case may be, for the time being applicable to both of such premises.

(3) It shall be a defence in any proceedings relating to an alleged contravention of the preceding subsection that the discharge of the trade effluent of a quantity in excess of the maximum quantity, or at a rate in excess of the maximum rate of discharge, as the case may be, was due to circumstances outwith the control of the occupier of the premises.

Variation of allocation of quantities, etc., of trade effluent to be discharged into Water of Leith sewers.

344.—(1) On the application of:—

- (i) the owners of any three of the schedule 7 premises; or
- (ii) the owner of any of the schedule 7 premises who is entitled to discharge not less than 50,000 cubic feet of trade effluent per day into the sewers; or
- (iii) the owners of any of the schedule 7 premises who in the aggregate are entitled to discharge not less than 50,000 cubic feet of trade effluent per day into the sewers;

the sheriff may at any time after the expiration of six months from the commencement of this Order in the first instance and thereafter, if satisfied that there has been a material change of circumstances, after the expiration of five years from the date of the determination of any application made under this subsection, vary the maximum quantities, or maximum rates of discharge, specified in columns 4 and 5 respectively of Schedule 7 to this Order.

(2) An application under the preceding subsection shall not be considered unless, at least six months prior thereto notice of the intention to make such application shall have been given by the applicants to the Corporation and to the owners of all the other schedule 7 premises, and the Corporation and all such owners shall be called as parties in any such application.

(3) On any application under this section the sheriff may, at any stage of the proceedings, and shall, whether before or after the conclusion of the proceedings, if so directed by the Court of Session, state a case for the opinion of that Court on any question of law arising in connection with the application, and an appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

345.—(1) The Corporation may from time to time prescribe conditions as to the nature or composition and temperature of the trade effluent which may be discharged into the sewers from any of the schedule 7 premises:

Restrictions on nature, etc., of trade effluent discharged into Water of Leith sewers.

Provided that in prescribing any conditions under this subsection the Corporation shall have regard to the circumstances in which the occupiers of such premises or their predecessors were entitled, under the repealed Acts, to discharge trade effluent into the sewers.

(2) Conditions prescribed by the Corporation under the preceding subsection (hereinafter in this section referred to as “prescribed conditions”) may be general, or may relate only to particular premises.

(3) (a) The Corporation shall give notice of any prescribed conditions and of the date on which they shall come into operation to the occupiers of all premises affected thereby.

(b) Prior to 30th April, 1970, the Corporation shall not be entitled to prescribe any conditions which would affect prejudicially the discharge from any of the schedule 7 premises into the sewers of any trade effluent of a nature, composition and temperature which it was lawful to discharge from such premises into the sewers on 28th March, 1964.

(4) Prescribed conditions shall not be varied within five years from the date on which they came into operation.

(5) Any dispute between the occupier of any premises and the Corporation as to:—

(a) the reasonableness of any prescribed conditions; or

(b) the date on which any prescribed conditions shall come into operation; or

(c) any question arising under subsection (3) (b) of this section;

shall be settled by arbitration.

(6) (a) The occupier of any of the schedule 7 premises who discharges trade effluent, or causes or permits trade effluent to be discharged, into the sewers otherwise than in conformity with prescribed conditions, shall be guilty of an offence.

(b) It shall be a defence in any proceedings relating to an alleged contravention of this subsection that the discharge of the trade effluent otherwise than in conformity with prescribed conditions was due to circumstances outwith the control of the occupier of the premises.

PART XXII
—cont.

Power to require trade effluent to be diverted from Water of Leith sewers into public sewers.

346.—(1) Notwithstanding anything in this head of this Part of this Order, the Corporation may, by notice to the owner and occupier of any of the schedule 7 premises, direct that the whole or any part of the trade effluent from such premises shall, from the date specified in the notice, be discharged into such public sewer as they may direct instead of into the sewers.

(2) (a) Where the Corporation have made a direction in pursuance of the preceding subsection, the communication with the public sewer shall be made by, and at the expense of, the Corporation and there shall also be borne by the Corporation:—

- (i) the expense reasonably incurred by such owner or occupier in executing any necessary ancillary works, including the removal and re-erection of the existing recorder, or the provision of a new recorder; and
- (ii) where the nature, composition or temperature of the trade effluent to be discharged into such public sewer is such that its discharge into such public sewer would be prohibited under Part XXI (Sewers and drains) of this Order, an annual amount representing the difference between the cost of such treatment as may be necessary to permit such trade effluent to be discharged into the public sewer and the cost of any treatment which would have been required if it had continued to be discharged into the sewers.

(b) Any dispute arising under the preceding paragraph shall be settled by arbitration.

Recorders and settlement tanks, etc.

Provision of recorders and keeping of records of trade effluent discharged into Water of Leith sewers.

347.—(1) Subject as hereinafter provided in this Part of this Order, the Corporation shall:—

- (a) provide (so far as not already provided) and maintain the recorders necessary to measure the volume and rate of discharge of the trade effluent being discharged from each of the schedule 7 premises into the sewers; and
- (b) make regular readings of such recorders and keep records of such readings.

(2) Records kept by the Corporation under the preceding subsection shall be retained by them for five years and shall be kept in the office of the city engineer and may be inspected free of charge at all reasonable hours by or on behalf of the owners and occupiers of any of the schedule 7 premises.

(3) The Corporation shall, if required by the occupier of any of the schedule 7 premises and at his expense:—

- (a) remove any recorder to another site in such premises; and
- (b) provide and maintain an additional recorder in such premises.

348.—(1) The occupier of each of the schedule 7 premises shall:—

- (a) maintain in such premises such an inspection chamber as will enable a person readily to take at any time samples of what is passing into the sewers from such premises; and
- (b) from time to time clean the recorder chambers and inspection chambers at such premises; and
- (c) from time to time remove all solid matter deposited in any settlement tank at such premises:

PART XXII
—cont.

Maintenance and cleaning of inspection chambers, etc.

Provided that the recorder chamber at the premises numbered 11 in the said schedule shall continue to be cleaned by the Corporation.

(2) (a) If the occupier of any of the schedule 7 premises fails to maintain an inspection chamber in accordance with the requirements of paragraph (a) of the preceding subsection the Corporation may, by notice, require such occupier to renew or repair such inspection chamber.

(b) If the occupier of any of the schedule 7 premises fails to carry out any of the operations specified in paragraphs (b) or (c) of the preceding subsection to the satisfaction of the city engineer, the city engineer may carry out such operations and the expense reasonably incurred in so doing shall be recoverable by the Corporation from such occupier.

E. General

349. Any dispute between the occupier of any of the schedule 7 premises and the Corporation as to any requirement of any notice under this Part of this Order shall be settled by arbitration.

Settlement of disputes as to notices under Part XXII.

350. Notwithstanding the repeal of the repealed Acts, any determination of the Corporation under section 186 of the Edinburgh Corporation (Streets Buildings and Sewers) Order, 1926, affecting the sewers, shall, subject to the provisions of this Part of this Order, continue to apply until conditions prescribed by the Corporation under subsection (1) of section 345 (Restrictions on nature, etc., of trade effluent discharged into Water of Leith sewers) of this Order come into operation.

As to existing determinations with respect to nature, etc., of discharges into Water of Leith sewers.

351. The power to enter premises conferred by section 629 (Power to enter premises) of this Order shall apply to entry for the purpose of reading and testing any meter or recorder provided under this Part of this Order.

As to entry to schedule 6 and 7 premises.

352. For the purpose of their functions under this Part of this Order the Corporation shall have the like powers of obtaining and taking away samples of trade effluent discharged into the sewers from any of the schedule 7 premises as are possessed by a river purification authority under section 19 of the Act of 1951, with regard to samples of water from any stream, or of any effluent passing into any stream within the area of the authority, and that section shall, with any necessary adaptations, extend and apply to the Corporation accordingly.

Power to take samples of trade effluent discharged into Water of Leith sewers.

PART XXII
—cont.

Application to Part XXII of certain provisions of Part XXI.

353.—(1) The provisions of Part XXI (Sewers and drains) of this Order hereinafter specified shall, with any necessary adaptations, apply with reference to the provisions of this Part of this Order as fully and effectually as if those provisions had been re-enacted in this Part of this Order:—

- Section 302 (Map of public sewers);
- Section 307 (Discharge of public sewers into watercourses);
- Section 308 (Use of waters of rivers for scouring public sewers);
- Section 309 (Buildings not to be constructed, or materials deposited, over public sewers without consent);
- Section 310 (Ventilation of public sewers, etc.);
- Section 311 (Injurious matter not to be permitted to pass into sewers or drains);
- Subsections (1) and (3) of section 317 (Making of communications with public sewers);
- Section 330 (Power to enter, survey, etc., lands and premises for purposes of Part XXI); and
- Section 332 (Corporation not to create nuisance under Part XXI):

Provided that section 311 (Injurious matter not to be permitted to pass into sewers or drains) of this Order, as so applied, shall not apply in relation to the discharge of trade effluent from any of the schedule 7 premises in accordance with the provisions of head D (Discharges into Water of Leith sewers) of this Part of this Order.

(2) Subsection (2) of section 316 (Use of public sewers by other local authorities and by owners or occupiers outwith city) of this Order shall, with any necessary adaptations, apply with respect to the sewers but only to the extent to which capacity is available in the sewers after allowing for the discharge of the quantities of trade effluent authorised from time to time to be discharged into the sewers from the schedule 7 premises.

River water discharged from schedule 7 premises deemed to be returned to river.

354. Water abstracted from the river for the purposes of any of the schedule 7 premises and discharged into the sewers in accordance with the provisions of this Part of this Order, or into a public sewer in pursuance of a notice under section 346 (Power to require trade effluent to be diverted from Water of Leith sewers into public sewers) of this Order, shall, for the purposes of any rule of law relating to the common law rights and duties of riparian owners, be deemed to have been returned to the river.

For protection of Robert Legget & Sons and White Burns & Co. Ltd.

355. Nothing in this Part of this Order shall affect prejudicially the rights of:—

- (a) Robert Legget & Sons under the agreement between the Corporation, the former Water of Leith Purification and Sewerage Commissioners and Robert Legget & Son, Skinners and Wool Merchants, dated 14th, 16th and 21st March, 1893, and recorded G.R.S. (Edinburgh) and in the Books of Council and Session on 20th April, 1893; or

(b) White Burns and Co. Ltd. under the agreement between White Burns & Co., Skinners and Tanners and Wool Merchants, and the former Water of Leith Purification and Sewerage Commissioners, dated 14th and 15th March, 1899.

PART XXII
—cont.

PART XXIII
WATERCOURSES

356. In this Part of this Order—

“culvert” includes a pipe or drain; and

“watercourse” includes any stream or ditch.

Definitions for
Part XXIII.

357.—(1) (a) A person shall not, without the consent of the Corporation, cover over any watercourse, or substitute a culvert therefor.

Watercourses
not to be
covered over or
culverted
without
consent.

(b) Any person aggrieved by any decision of the Corporation—

(i) refusing a consent under the preceding paragraph; or

(ii) prescribing conditions with respect to any consent granted under the preceding paragraph;

may require such decision to be referred to, and determined by, arbitration.

(c) Any person acting in contravention of this subsection shall be guilty of an offence.

(d) In the case of any contravention of this subsection, the Corporation may, by notice, require the person in default:—

(i) to restore the watercourse to its previous condition; or

(ii) to execute any works necessary to cover over the watercourse or to substitute a culvert therefor.

(e) Any notice under the preceding paragraph may specify dates for the commencement and completion of the works required by the notice, and where such works are not commenced at, or completed by, the respective dates so specified, the Corporation may proceed to execute or complete, as the case may be, such works, and the expense reasonably incurred in so doing shall be recoverable by them from the person in default.

(2) (a) The conditions subject to which the Corporation may grant a consent under paragraph (a) of the preceding subsection may include a condition requiring an owner to make provision for the passage of a greater quantity of water than he is otherwise obliged to permit to pass.

(b) Any additional expenditure reasonably incurred by an owner in complying with a requirement under the preceding paragraph shall be borne by the Corporation, and any dispute as to the amount of such additional expense shall be settled by arbitration.

(c) The preceding paragraphs shall, with any necessary adaptations, apply with respect to the requirements of a notice under paragraph (d) (ii) of the preceding subsection as they apply with respect to conditions of a consent under paragraph (a) of the said subsection.

PART XXIII
—cont.

(3) Nothing in this section shall apply in relation to any culvert constructed by the railways board or the waterways board under statutory powers.

Provisions as to
culverting of
watercourses.

358.—(1) (a) If any watercourse is, or is likely to cause, a nuisance the Corporation may serve on the owner of any land on which it is situated, or on which it abuts, a notice requesting him to execute any works necessary to obviate the nuisance by substituting for such watercourse, or part thereof, a culvert, with all necessary gullies and other means of conveying surface water into and through the same and offering to pay the reasonable cost of executing the works.

(b) Section 634 (As to notices requiring execution of works, etc.) of this Order shall, with any necessary adaptations, apply in relation to notices under this subsection.

(c) Any person on whom a notice under this subsection has been served who objects to the execution of any works specified in such notice may appeal to the sheriff.

(2) (a) If, despite such offer, the works specified in any notice under the preceding subsection are not executed by the owner on whom the notice was served within the period specified therein the Corporation may, after giving to such owner fourteen days' notice of their intention, enter upon the land of such owner and themselves execute the said works.

(b) In the exercise of the powers conferred on them by this subsection the Corporation shall do as little damage as may be and shall make good all damage done.

(3) A culvert constructed in accordance with the provisions of this section shall vest in the Corporation as a public sewer reserved for surface water.

(4) Nothing in this section shall apply in relation to any watercourse constructed by the railways board or the waterways board under statutory powers, or situated upon lands vested in them and for the maintenance of which they are responsible under any enactment.

Maintenance
of culverts.

359.—(1) The owner of the land in which any culvert constructed for the passage of water is situated (other than a culvert to which the preceding section applies), shall maintain such culvert, and shall, when required by the Corporation, by notice, execute any works necessary for such maintenance.

(2) Nothing in the preceding subsection shall apply in relation to any culvert constructed by the railways board or the waterways board under statutory powers.

Power to
contribute to
expense of, or
to execute,
works relating
to water-
courses.

360. The Corporation may contribute the whole or part of the expense of the execution of works for any of the purposes referred to in the preceding provisions of this Part of this Order, or may, by agreement with any owner, themselves execute any such works which he may be required, or is entitled, to execute.

361.—(1) Any part of a watercourse which is so choked or silted up as to obstruct or impede the flow of water therein and thereby to cause, or to be likely to cause, an overflow of the water therein on to adjacent land or premises, or to hinder the effective drainage of water through the same, shall be deemed to be a nuisance within the meaning of the Public Health Acts, and the provisions of those Acts relating to nuisances shall apply to every such part of such watercourse notwithstanding that it may not be injurious to health.

PART XXIII
—cont.

Watercourses choked up to be a nuisance under Public Health Acts.

(2) Nothing in this section shall be deemed to impose any liability on any person other than the person by whose act or default the nuisance arises or continues.

362. Any person aggrieved by any requirement of any notice under this Part of this Order may appeal to the sheriff.

Appeals against notices under Part XXIII.

PART XXIV

GENERAL LICENSING PROVISIONS

A. Places of public entertainment

363. In this head of this Part of this Order:—

Definition for head A of Part XXIV.

“place of public entertainment” means a theatre, music hall, concert hall, dance hall or other premises to which the public is admitted for valuable consideration for the purpose of being entertained, the purchase of any article or refreshment as a condition of admission being deemed to be admission for valuable consideration.

364.—(1) (a) Subject to the provisions of this Part of this Order, a person shall not keep or use any premises as a place of public entertainment unless he is the holder of a public entertainment licence granted by the Corporation in respect of such premises.

Places of public entertainment to be licensed.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) The conditions subject to which a public entertainment licence may be granted may include a condition that it shall have effect only in relation to a specified class of use.

(3) A person who obtains a let of, or is granted permission to use, any premises in respect of which a public entertainment licence is in force covering the period for which the premises are let to him, or in respect of which such permission is granted, shall not be required to obtain a further public entertainment licence covering such period in respect of such premises.

(4) The Theatres Act, 1843, in so far as it grants power to justices of the peace to license theatres, shall not apply within the city.

1843, c. 68.

PART XXIV
—cont.

Hours of opening of places of public entertainment.

365.—(1) (a) Premises in respect of which a public entertainment licence is in force shall not, without the consent of the Corporation, be open:—

- (i) at any time on Sunday; and
- (ii) on any other day before 10 a.m. or after 11.30 p.m.

(b) Any consent granted by the Corporation under the preceding paragraph may be general, or may be limited to specific premises or classes of premises, or particular occasions, and may be revoked by the Corporation at any time.

(2) Any holder of a public entertainment licence acting in contravention of the preceding subsection shall be guilty of an offence.

Byelaws as to places of public entertainment.

366.—(1) The Corporation may make byelaws for all or any of the following purposes:—

- (a) the safety and convenience of the public;
- (b) maintaining order; and
- (c) prohibiting or regulating smoking;

in places of public entertainment.

(2) Any such byelaws may be made so as to apply only to such classes of premises as may be specified in the byelaws, and may contain different provisions for different classes of premises.

Exemption of premises from requirements of public entertainment licence or byelaws.

367.—(1) The Corporation may, in respect of any particular occasion, exempt any premises (including premises in respect of which a public entertainment licence is in force) from the provisions of:—

- (a) this head of this Part of this Order; or
- (b) any byelaws made under the preceding section;

either without conditions or subject to such conditions as they think fit.

(2) The Corporation shall charge a fee of 10s. for each application for an exemption under the preceding subsection.

Saving for cinemas in respect of head A of Part XXIV.

368.—(1) This head of this Part of this Order shall not, except as hereinafter provided in this section, apply in relation to any premises in respect of which a cinematograph licence is in force.

(2) Section 365 (Hours of opening of places of public entertainment) of this Order shall, with any necessary adaptations, apply in relation to any such premises as it applies in relation to premises in respect of which a public entertainment licence is in force.

B. Public shows

Definition for head B of Part XXIV.

369. In this head of this Part of this Order:—

“public show” means any place which is for the time being used for providing (whether or not in combination with any

other entertainment) any entertainment of the following nature for admission to which, or for the use of the contrivances in which, a charge is made:—

PART XXIV
—cont.

- (a) circuses;
- (b) exhibitions of persons or of performing animals;
- (c) merry-go-rounds, roundabouts, swings, switchback railways;
- (d) skittle alleys, coco-nut shies, hoop-las, shooting galleries;
- (e) mechanical riding, driving or boating contrivances;
- (f) automatic or other machines intended for entertainment or amusement; and
- (g) anything similar to any of the foregoing.

370.—(1) (a) A person shall not open or set up a public show without a permit from the Corporation.

Public shows not to be opened or set up without permit.

(b) The Corporation shall charge a fee of 10s. for each application for a permit under this subsection.

(c) A public show permit:—

- (i) may be granted subject to such reasonable conditions as the Corporation may prescribe, and which shall be set out in such permit;
- (ii) shall be kept conspicuously exhibited at the public show to which it relates; and
- (iii) may be revoked at any time.

(d) Any person acting in contravention of paragraph (a) or of sub-paragraph (ii) of paragraph (c) of this subsection shall be guilty of an offence.

(2) The preceding subsection shall not apply in relation to:—

- (a) any premises in respect of which a public entertainment licence, or an exemption from requiring a public entertainment licence, is in force; or
- (b) any public show consisting solely of automatic or other machines intended for entertainment or amusement (not being mechanical riding, driving or boating contrivances).

371. Section 365 (Hours of opening of places of public entertainment) of this Order shall, with any necessary adaptations, apply in relation to any public show (including a public show of the nature described in subsection (2) (b) of the preceding section) as it applies in relation to premises in respect of which a public entertainment licence is in force.

Hours of opening of public shows.

372. The Corporation may at any time exempt from the operation of this head of this Part of this Order, for such period as they think fit, public shows of such classes as they may prescribe.

Power to exempt public shows from requirements of head B of Part XXIV.

PART XXIV
—cont.

Application of sections 423 and 424 to permanent or semi-permanent public shows.

373. Where, in the case of any public show, structures or apparatus of a permanent or semi-permanent character have been, or are proposed to be, erected or installed, the provisions of:—

Section 423 (Restriction on power to refuse, suspend or revoke licences); and

Section 424 (Appeals against refusal, suspension, revocation, etc., of licences);

of this Order shall, with any necessary adaptations, apply in relation to any public show permit granted in respect of any such public show, or for which application has been made, as if such permit was a licence to which those sections apply.

Saving for certain entertainments in respect of head B of Part XXIV.

374. Nothing in this head of this Part of this Order shall apply in relation to any entertainment:—

(a) which is not run for profit and is not carried on for more than seven consecutive days; or

(b) the profits of which are devoted to a religious or charitable purpose.

C. Billiard rooms

Billiard rooms to be licensed.

375.—(1) (a) A person shall not keep or use any premises for the purpose of public billiard playing unless he is the holder of a licence granted by the Corporation in respect of such premises.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) The preceding subsection shall not apply in relation to an hotel in respect of which a certificate for the sale of excisable liquor is in force.

Byelaws as to billiard rooms.

376. The Corporation may make byelaws for both or either of the following purposes:—

(a) maintaining order in premises licensed under the preceding section; and

(b) prohibiting or regulating the admission to such premises of persons under seventeen years of age.

D. Employment agencies

Definitions for head D of Part XXIV.

377. In this head of this Part of this Order:—

“employment agency” means any agency or registry 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; and

“employment agency licence” means a licence under the succeeding section.

378.—(1) A person shall not carry on an employment agency in any premises unless he is the holder of an employment agency licence granted by the Corporation in respect of such premises.

PART XXIV
—cont.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

Employment agencies to be licensed.

379. The Corporation may make byelaws for all or any of the following purposes:—

Byelaws as to employment agencies.

- (a) requiring the holder of an employment agency licence to keep books or, at his option, cards or forms showing the business conducted by him so far as it relates to his employment agency;
- (b) prescribing the entries to be made in such books, cards or forms;
- (c) preventing fraud and immorality in the conduct of employment agencies; and
- (d) regulating generally any premises in respect of which an employment agency licence is in force.

380.—(1) An authorised officer or a constable may, on producing his authority (if required), inspect the books, cards or forms kept in connection with any employment agency in respect of which an employment agency licence is in force.

Inspection of books, etc., in connection with employment agencies.

(2) Any person refusing to permit an authorised officer or a constable to inspect any such books, cards or forms shall be guilty of an offence.

381.—(1) This head of this Part of this Order shall not apply in relation to:—

Saving for certain employment agencies in respect of head D of Part XXIV.

- (a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour; or
- (b) any youth employment bureau conducted by a local education authority under the Employment and Training Act, 1948; or
- (c) any employment agency carried on for the purpose of obtaining employment for persons formerly members of Her Majesty's naval, military or air forces, and certified by the Minister of Defence to be properly conducted; or
- (d) any duly constituted religious or charitable society or body to the main objects of which the provision of situations or employment is merely subsidiary; or
- (e) any agency for the supply of nurses as defined by section 32 of the Nurses (Scotland) Act, 1951; or
- (f) any employment agency carried on for the purpose of obtaining employment for persons released from a prison, Borstal institution, approved school, detention centre or young offenders institution, and certified by the Secretary of State to be properly conducted.

1948, c. 46.

1951, c. 55.

PART XXIV
—cont.

(2) Any question whether a society or body is a society or body within the meaning of paragraph (d) of the preceding subsection shall be determined by the Secretary of State.

*E. Brokers and pawnbrokers*Licensing of
brokers.

382.—(1) (a) A person shall not carry on business as a broker in any premises or from any movable stall unless he is the holder of a licence granted by the Corporation in respect of such premises or stall.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) A broker's licence shall specify the premises in which the business is to be carried on, including all cellars, closets and other places used or proposed to be used for the purpose of the business, and, in the case of a business carried on from a movable stall, shall specify:—

- (a) the place where the stall is to stand during business hours; and
- (b) the place where the stall and any stock-in-trade are to be kept at other times.

1872, c. 93.

(3) A broker's licence shall not be granted to any person who is the holder of a pawnbroker's licence under the Pawnbrokers Act, 1872.

Offences by
brokers.

383.—(1) A broker shall not:—

- (a) receive or take any goods in pledge; or
- (b) receive or take a pawn ticket issued by a pawnbroker for any article which has been pawned, or negotiate in any manner with the holder of any such pawn ticket, or any person on his behalf, for the purchase of any article to which the pawn ticket refers; or
- (c) acquire in the course of his business:—
 - (i) any voucher, note or other document issued by or under the authority of any public or local authority or any charitable institution by virtue of which a person may receive any assistance whatsoever; or
 - (ii) any article of clothing issued by or on behalf of any such authority or institution and legibly marked as being so issued, or known by the broker to be so issued; or
- (d) carry on business as a broker in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises; or
- (e) dispose of goods to, or acquire goods from, any person who appears to be under sixteen years of age, whether such person is acting on his own behalf or on behalf of another person; or

- (f) sell goods to, purchase goods from, or have any other transaction in the course of his business with, any person between 10 p.m. on any Saturday and 8 a.m. on the following Monday, or between 10 p.m. on any other day and 8 a.m. on the following day; or
- (g) keep, or permit to be kept, in or on his premises any smelting pot or implement for melting, altering or defacing gold, silver, lead or other metals.

PART XXIV
—cont.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

384.—(1) Every broker:—

Miscellaneous
provisions as
to brokers.

(a) shall keep a book and enter therein, as soon as reasonably practicable after the transaction recorded:—

(i) in the case of each article purchased by him, the date and hour of purchase, the description of such article, the price paid for it, and the name and address of the seller; and

(ii) in the case of each article sold by him, the date of sale, and the name and address of the purchaser;

(b) shall provide means whereby every article in his possession for the purposes of his business can be identified with the record of the transaction relating thereto;

(c) shall keep, at the place specified in his licence, for not less than fourteen days from the day on which it was acquired, every article acquired by him in the course of his business;

(d) on being required at any reasonable time by a constable (who, if not in uniform, shall produce his authority if required) shall produce for inspection by the constable:—

(i) any article in his possession which he has acquired in the course of his business; and

(ii) the book referred to in paragraph (a) of this subsection; and

(e) if at any time he has in his possession an article of any description and is aware that an article of a corresponding description is alleged to have been unlawfully obtained, shall forthwith:—

(i) deliver the first-mentioned article to a constable at a police box or police station; and

(ii) state to the constable the name and address given to him by the person from whom he received the first-mentioned article.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

PART XXIV
—cont.

(3) If:—

- (a) any broker, being aware that an article of any description is alleged to have been unlawfully obtained, alters or defaces any article of a corresponding description in his possession; and
- (b) the article in his possession was unlawfully obtained;

such broker shall, for the purpose of any criminal proceedings, be deemed, unless the contrary is proved, to have received the article in his possession knowing it to have been unlawfully obtained.

(4) If in any criminal proceedings (including proceedings in respect of a contravention of subsection (1) (e) of this section) it is proved that a list containing descriptions of articles which are alleged to have been unlawfully obtained has been delivered at, or dispatched by post addressed to, the ordinary residence or place of business of a broker, such broker shall be deemed, unless the contrary is proved, to have been, as from the time of such delivery or, as the case may be, the expiration of twenty-four hours from the time of such dispatch, aware of the information contained in the list.

Application of certain provisions of head E of Part XXIV to pawnbrokers.

385.—(1) The following provisions of this Order shall apply to pawnbrokers and to the business of a pawnbroker as they apply to brokers and to the business of a broker:—

- (i) paragraphs (c) and (g) of subsection (1) of section 383 (Offences by brokers) of this Order and subsection (2) of that section; and
- (ii) paragraphs (d) and (e) of subsection (1), and subsections (2), (3) and (4) of the preceding section, with the substitution, in paragraph (d), of a reference to the records which he is required to keep under any enactment for the reference to the book referred to in subsection (1) (a).

(2) Any person acting in contravention of any provision of this Order applied by the preceding subsection shall be guilty of an offence.

Restrictions on carrying on business of pawnbroking.

386.—(1) A pawnbroker shall not carry on business:—

- (a) as a broker; or
- (b) as a pawnbroker in any premises in which the business of a broker is carried on, or in any other premises having access to such premises.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

Brokers and pawnbrokers may detain persons offering property unlawfully obtained.

387.—(1) A broker or pawnbroker to whom any article is offered and who has reasonable grounds to suspect that it has been unlawfully obtained, may detain the person offering such article, and any constable may arrest such person and take possession of the article:

Provided that nothing in this subsection shall authorise any broker or pawnbroker to detain any person longer than is reasonably necessary for obtaining the attendance of a constable.

PART XXIV
—cont.

(2) A person shall not be entitled to reparation in respect of any loss, injury or damage resulting from a purported exercise of the power conferred by the preceding subsection unless such purported exercise was malicious.

F. Cabs

Interpretation

388. In this head of this Part of this Order:—

Definitions for
head F of
Part XXIV.

“ authorised fare ” in relation to any taxi-cab journey means the maximum fare authorised to be charged for the hire of the taxi-cab for such journey;

“ cab ” means every motor vehicle used, or intended to be used, for the carriage of passengers for hire or reward, and includes any motor vehicle kept in any premises for the purpose of being let out for hire with a driver, but does not include:—

(a) any motor vehicle kept for the purpose of being let out for hire for the day, or any longer period, or kept by any person in connection with any business carried on by him as funeral director or undertaker and used wholly or partly in connection with such business; or

(b) a public service vehicle;

“ cab byelaws ” means any byelaws made under section 397 (Byelaws as to cabs and drivers of cabs, etc.) of this Order;

“ cab driver’s licence ” means a licence under section 391 (Cab drivers’ licences) of this Order;

“ private hire cab ” means a cab kept for the purpose of being let out for hire with a driver;

“ private hire cab licence ” means a licence under paragraph (b) of the succeeding section;

“ taxi-cab ” means a cab used for standing or plying for hire in the streets and “ licensed taxi-cab ” means a taxi-cab in respect of which a taxi-cab licence is in force; and

“ taxi-cab licence ” means a licence under paragraph (a) of the succeeding section.

Licensing of cabs

389. The Corporation may grant to any person a licence to operate Cab licences, the motor vehicle specified in the licence as:—

(a) a taxi-cab; or

(b) a private hire cab:

PART XXIV
—cont.

Provided that, if at any time the Corporation are satisfied that there are sufficient taxi-cabs being operated to meet the needs of the city, they shall refuse to grant any further licences in respect of taxi-cabs.

Penalty for
using
unlicensed
vehicle as a cab.

390.—(1) Any person who stands or plies for hire in any street with any motor vehicle shall, unless he is the holder of a taxi-cab licence in respect of such vehicle, or is acting as driver of such vehicle in the course of his employment with the holder of such licence, be guilty of an offence.

(2) Any person who carries passengers for hire or reward in any motor vehicle (not being a public service vehicle) shall, unless he is the holder of a private hire cab licence or taxi-cab licence in respect of such vehicle, or is acting as driver of such vehicle in the course of his employment with the holder of such licence, be guilty of an offence.

(3) Nothing in this section shall make it an offence for any person to carry passengers for hire in a motor vehicle within the city on any journey which originated outwith the city.

Licensing of cab drivers

Cab drivers'
licences.

391.—(1) (a) The Corporation may grant to any person:—

- (i) a licence to drive a taxi-cab; or
- (ii) a licence to drive a private hire cab.

(b) A licence to drive a taxi-cab shall entitle the holder of such licence to drive a private hire cab also, but a licence to drive a private hire cab shall not entitle the holder of such licence to drive a taxi-cab.

(2) The Corporation may require any applicant for a licence to drive a cab:—

- (a) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a cab; and
- (b) (whether or not such a certificate has been produced) to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a cab.

(3) (a) A person shall not stand or ply for hire with a cab unless he is the holder of a licence to drive a taxi-cab.

(b) A person shall not employ any person who is not the holder of a licence to drive a taxi-cab to stand or ply for hire with a cab.

(c) Any person acting in contravention of this subsection shall be guilty of an offence.

(4) (a) A person shall not carry passengers for hire in a cab unless he is the holder of a licence to drive a taxi-cab, or a licence to drive a private hire cab.

(b) A person shall not employ any person who is not the holder of a licence to drive a taxi-cab, or a licence to drive a private hire cab, to carry passengers for hire in a cab. PART XXIV
—cont.

(c) Any person acting in contravention of this subsection shall be guilty of an offence.

392.—(1) The cab driver's licence of any driver who, during the currency of such licence, is convicted in any court in the United Kingdom of:— Forfeiture of
cab drivers'
licences.

- (a) any offence inferring dishonest appropriation of property; or
- (b) any offence inferring personal violence; or
- (c) any offence inferring indecency; or
- (d) culpable homicide or a contravention of sections 1, 2 or 6 of the Act of 1960 involving any motor vehicle of which such driver is in charge;

shall, without any declarator to that effect by the Corporation, become forfeited immediately upon such conviction.

(2) The holder of a cab driver's licence which has become forfeited in pursuance of the preceding subsection shall return it to the town clerk within forty-eight hours of such forfeiture, and if he fails to do so he shall be guilty of an offence unless he has reasonable cause for such failure.

(3) A copy of this section, or a note of its effect, shall be endorsed on each cab driver's licence.

Fares for taxi-cabs

393.—(1) The fares for the hire of taxi-cabs (including any charges for the carriage of luggage therein) shall be such as may be fixed from time to time by the Corporation. Fares for
taxi-cabs.

(2) Before fixing or varying any such fares the Corporation shall:—

- (a) consult with such persons or organisations as appear to them to be representative of a substantial number of the holders of taxi-cab licences; and
- (b) give notice of their intention by advertisement stating:—
 - (i) the general effect of the proposals;
 - (ii) that any person may lodge representations in writing with respect to the said proposals with the town clerk; and
 - (iii) the period within which such representations must be lodged, not being earlier than fourteen days after the date of publication of the notice.

PART XXIV
—cont.

(3) Where the Corporation, after such consultation and after considering any such representations, fix or vary any such fares they shall give notice thereof by advertisement specifying:—

- (a) details of the fares so fixed or varied; and
- (b) the date on which such fares shall come into operation.

Authorised or agreed taxi-cab fare not to be exceeded.

394.—(1) Any holder of a taxi-cab licence and any driver of a taxi-cab who:—

- (a) demands or takes as a fare a greater sum than the authorised fare; or
- (b) having agreed beforehand with any person hiring such cab to charge a sum less than the authorised fare for such hire, demands or takes more than the sum so agreed upon;

shall be guilty of an offence.

(2) A person shall not be bound by any agreement made with the driver, or with any person in charge, of any taxi-cab, for the payment of a fare in excess of the authorised fare, and any person who has made such an agreement may refuse to pay any sum beyond the authorised fare.

Penalty for refusal to pay taxi-cab fare.

395. Any person hiring a licensed taxi-cab who on the completion of such hire refuses to pay:—

- (a) the authorised fare; or
- (b) any fare less than the authorised fare agreed beforehand with the holder of the taxi-cab licence or driver of the taxi-cab;

shall be guilty of an offence.

Taxi-cab stances

Taxi-cab stances.

396.—(1) (a) The Corporation may appoint stances in streets for taxi-cabs.

(b) Nothing in this subsection shall empower the Corporation to appoint any such stance so as to prevent reasonable access to any premises.

(2) The Corporation may:—

- (a) erect and illuminate signs; or
- (b) cause lines or marks to be made on the carriageways of streets;

indicating the limits of authorised taxi-cab stances.

Cab byelaws

PART XXIV
—cont.

397.—(1) The Corporation may make byelaws for all or any of the following purposes:—

Byelaws as to
cabs and
drivers of
cabs, etc.

- (a) regulating the type, construction, equipment, cleanliness, maintenance, examination, inspection and operation of cabs, and the age in excess of which motor vehicles shall not be licensed as cabs;
- (b) regulating the numbering of taxi-cabs, the issue and display of plates indicating such numbers, and fixing the charges for the use of such plates;
- (c) requiring that every taxi-cab shall be equipped with a taximeter, regulating the fixing and testing of each such taximeter, and prohibiting interference with any such taximeter or causing it to register incorrectly;
- (d) regulating the number of persons to be carried in taxi-cabs, and securing the due display of the prescribed number in or on each taxi-cab;
- (e) regulating the carrying of luggage in or on taxi-cabs;
- (f) regulating the disposal of articles found in or on cabs;
- (g) prohibiting or regulating the display of advertising matter in or on cabs;
- (h) regulating the conduct and duties of drivers of cabs when acting as such, and of the holders of taxi-cab licences and private hire cab licences in relation to their cabs;
- (i) regulating the use of authorised taxi-cab stances; and
- (j) regulating the conduct of passengers in taxi-cabs and providing for the withholding of fares by passengers in prescribed circumstances.

(2) Byelaws made under paragraphs (a), (f), (g) and (h) of the preceding subsection may contain different provisions in relation to taxi-cabs and private hire cabs.

(3) Byelaws made under subsection (1) (a) of this section shall not:—

- (a) be of any effect in so far as they conflict with any regulations under the Act of 1960; and
- (b) apply, for five years from the coming into operation of any such byelaws, to any motor vehicle in respect of which a private hire cab licence was then in force.

Supplementary

398.—(1) The driver of a taxi-cab shall not refuse to drive such taxi-cab to any place within the city, or within the counties of Midlothian, East Lothian or West Lothian up to a distance of nine miles from the Cross of Edinburgh to which he is directed by the person hiring or proposing to hire such cab:

Compulsory
taxi-cab hiring
distance.

PART XXIV
—cont.

Provided that the driver of a taxi-cab shall not be required to drive it beyond any point where he would be required to proceed into the toll area of the Forth Road Bridge.

(2) Any driver of a taxi-cab acting in contravention of the preceding subsection shall be guilty of an offence unless he has reasonable cause for such refusal.

Vehicles other than taxi-cabs not to be fitted with taximeters, etc.

399.—(1) (a) A person shall not have on any motor vehicle belonging to him, or under his control (not being a licensed taxi-cab):—

- (i) any taximeter or similar apparatus, or any device having the appearance of a taximeter or similar apparatus; or
- (ii) any notice, sign or other indication which might reasonably be taken to indicate that the vehicle is a licensed taxi-cab.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

(2) The preceding subsection shall not apply in relation to any motor vehicle:—

- (a) licensed for the carriage of passengers for hire or reward by any other local authority; or
- (b) kept within the area of another local authority and which is within the city in the course of a journey which originated outwith the city.

Provisions with respect to existing cab byelaws.

400. Notwithstanding anything in section 677 (Saving from effect of repeal) of this Order the byelaws made by the Corporation on 28th June, 1951, and confirmed, with modifications, by the sheriff on 8th February, 1952, as amended by additional byelaw (No. 1) made by the Corporation on 7th March, 1957, and confirmed by the sheriff on 21st May, 1957, shall, so far as still subsisting and applicable, and subject to the provisions of the said section, continue in force only in relation to taxi-cabs.

Application of head F of Part XXIV outwith city.

401. This head of this Part of this Order and the cab byelaws shall, in their application to any taxi-cab hired within the city, have effect within the city and within so much of the counties of Midlothian, East Lothian and West Lothian as is within nine miles from the Cross of Edinburgh.

G. *Pleasure boats*

Definition for head G of Part XXIV.

402. In this head of this Part of this Order:—

“pleasure boat licence” means a licence under the succeeding section.

Pleasure boats to be licensed.

403.—(1) A person shall not, without a licence from the Corporation, let any pleasure boat for hire, or use any pleasure boat for carrying passengers for reward, from the seashore, or from any esplanade, pier, jetty or harbour.

(2) Any person who lets for hire a pleasure boat, or carries or permits to be carried, passengers for reward in a pleasure boat, unless he is the holder of a pleasure boat licence in respect thereof, shall be guilty of an offence.

PART XXIV
—cont.

(3) Nothing in this section shall make it an offence for any person to use a pleasure boat for carrying passengers for reward if there is in force in respect thereof an authorisation granted by another local authority and all the passengers are embarked at a place within the area of that other authority.

(4) A licence under this section shall not be required in respect of any boat for which a passenger certificate issued by the Board of Trade under section 274 of the Merchant Shipping Act, 1894, is in force.

1894, c. 60.

404.—(1) (a) A holder of a pleasure boat licence shall not carry, or permit to be carried, in any pleasure boat let for hire or used for carrying passengers for reward, a greater number of persons (including the crew) than is specified in the licence in respect of such boat.

Number of persons to be carried in pleasure boats.

(b) A holder of a pleasure boat licence shall, before permitting any pleasure boat specified in such licence to be let for hire or used for carrying passengers for reward, cause to be painted:—

(i) his own name; and

(ii) the maximum number of persons specified in such licence as authorised to be carried in such pleasure boat;

on a conspicuous part of such boat in letters and figures not less than 1 inch in height and $\frac{3}{4}$ inch in breadth.

(c) A person to whom a pleasure boat in respect of which a pleasure boat licence is in force has been let for hire shall not carry or permit to be carried therein a greater number of persons than the number painted on such boat in pursuance of the preceding paragraph.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

H. Street traders

405. In this head of this Part of this Order:—

Definition for head H of Part XXIV.

“street trading” means the hawking, selling, or offering or exposing for sale, or otherwise dealing or offering to deal in, any article of any description (including refreshments for immediate consumption) in any street other than a promenade or esplanade adjacent to the seashore.

406.—(1) (a) A person shall not engage in, or be employed in, street trading without a licence from the Corporation.

Licensing of street traders.

(b) Any person acting in contravention of this subsection shall be guilty of an offence.

PART XXIV
—cont.

(2) The conditions subject to which a licence under this section may be granted may include conditions with respect to the days and hours during which, and the streets or parts of streets in which, the holder of the licence may engage or be employed in street trading.

Savings in respect of head H of Part XXIV.

407. Nothing in this head of this Part of this Order shall:—

- (a) apply to the sale, or offer or exposure for sale, of newspapers or periodicals by any person who, in connection with such sale, or offer or exposure for sale, does not use any vehicle or stall, or any structure, container or other contrivance occupying a stationary position on the footway which:—
- (i) exceeds 3 feet in height; or
 - (ii) exceeds 3 square feet in area; or
 - (iii) extends more than 2 feet, 6 inches in any direction; or
- (b) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street, apply to that trader in respect of—
- (i) the delivery of any article or substance to such premises; or
 - (ii) the sale in any such street of coal, coke, char or other fuel of which coal or coke is a constituent, or oil for heating, cooking or lighting; or
- (c) apply to the sale of ice-cream by any person registered under any regulations made under the Food and Drugs (Scotland) Act, 1956, or to whom an authorisation has been furnished in pursuance of regulation 4 (8) of the Ice Cream (Scotland) Regulations, 1948; or
- (d) apply to the sale of milk by any person holding a certificate of registration given under section 7 of the Milk and Dairies (Scotland) Act, 1914, in respect of any vehicle; or
- (e) apply in relation to any movable stall in respect of which a licence under section 382 (Licensing of brokers) of this Order is in force; or
- (f) exempt any person from any of the provisions of the Acts relating to excise; or
- (g) be in derogation of section 30 of the Children and Young Persons (Scotland) Act, 1937; or
- (h) apply in relation to:—
- (i) any fair lawfully held; or
 - (ii) any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

1956, c. 30.

1914, c. 46.

1937, c. 37.

408. The Corporation shall, not later than 31st March, 1968, give notice by advertisement of the effect of the provisions of this head of this Part of this Order, but evidence of compliance with this section shall not be required in any proceedings.

PART XXIV
—cont.
Public notice
of effect of
head H of
Part XXIV.

I. Window cleaners

409.—(1) A person shall not, without a licence from the Corporation:—

Window cleaners
to be licensed.

- (a) carry on the trade of window cleaner; or
- (b) engage in window cleaning by way of trade or employment.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence.

J. Licences

410.—(1) The provisions of this head of this Part of this Order shall have effect in relation to the several licences referred to in this Part of this Order and in such provisions the expression “ licence ” shall be construed accordingly.

Application of
head J of
Part XXIV to
licences.

(2) In this head of this Part of this Order:—

“ succeeding licence ” means a licence granted, or which may be granted, to a person under any provision of this Part of this Order, being—

(a) in the case of a licence in respect of specific premises or a specific vehicle or boat, a licence under the same provision taking effect on the expiration, by the effluxion of time, of another licence (whether to the same person or not) in respect of the same premises, vehicle or boat, as the case may be; and

(b) in the case of any other licence, a licence to the same person under the same provision taking effect on the expiration, by the effluxion of time, of such other licence.

411. Every application for the grant of a licence shall be made in writing at such time, and in such form, and shall be signed by or on behalf of the applicant, and shall contain, or be accompanied by, such reasonable particulars and information as the Corporation may determine.

Applications
for licences.

412. Any person who in, or in connection with, any application for the grant of a licence:—

Penalty for
false statements
in applications
for licences.

(a) makes any statement which he knows to be false in a material particular; or

(b) recklessly makes any statement which is false in a material particular;

shall be guilty of an offence.

413. A licence shall be in such form as the Corporation may determine, and shall be subject to such reasonable conditions as may be specified in the licence, including, without prejudice to the foregoing generality, conditions restricting its validity to specified localities.

Form and
conditions of
licences.

PART XXIV
—cont.Duration of
licences.

414.—(1) (a) Except where otherwise expressly provided in this Order, every licence shall, unless sooner suspended or revoked, continue in force until the 28th May next ensuing, or for such shorter period as the Corporation may determine, and as shall be specified in the licence.

(b) A cab driver's licence, a private hire cab licence and a taxi-cab licence may be granted for any period of one year, or such shorter period as the Corporation may determine, and as shall be specified in the licence.

(2) A licence granted to any person shall cease to have effect if his estate is sequestrated, or he is adjudged bankrupt elsewhere than in Scotland, or signs a trust deed for creditors:

Provided that such licence (unless it otherwise terminates or is terminated) shall continue in favour of such person as the Corporation may determine until the expiration of two months from the date of sequestration, or the date of the holder of the licence being adjudged bankrupt, or the signing of the trust deed for creditors, as the case may be, or such longer period as the Corporation may allow.

(3) On the death of the holder of a licence in force in respect of any premises or movable stall the person carrying on at such premises or stall the functions in respect of which the licence was granted, or acting as the actual and responsible manager of such premises or stall, shall be deemed to be the holder of the licence until the expiration of two months from the date of the death, or such longer period as the Corporation may allow.

Reporting
changes in
particulars
relating to
licences.

415. If, during the currency of a licence, any material change occurs in the facts of which particulars and information were contained in, or given along with, the application for the licence, the holder of the licence shall report such change to the town clerk forthwith, and the holder of the licence failing to do so shall be guilty of an offence unless he has reasonable cause for such failure.

As to
extensions or
alterations
of premises
licensed under
Part XXIV.

416.—(1) The holder of a licence in force in respect of any premises shall not, without the consent of the Corporation, carry out any material extension or material alteration of such premises which would affect the suitability of the premises for the purpose for which the licence was granted.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

Fees for
licences.

417.—(1) Every person applying for the grant of a licence shall, when making the application, pay the fee specified in the second column of the following table applicable to the class of licence specified in the first column of that table.

(2) Every person applying for the grant of a succeeding licence shall, when making the application, pay the fee specified in the third column of the said table applicable to the class of licence specified in the first column of that table.

| 1 | 2 | 3 |
|--|---|--|
| Class of licence applied for | Fee payable on application for grant of licence | Fee payable on application for grant of succeeding licence |
| | £ | £ s. |
| Place of public entertainment:— | | |
| (i) theatre regularly used as such ... | 5 | 3 0 |
| (ii) place of public entertainment other than a theatre regularly used as such ... | 2 | 1 |
| Employment agency ... | 3 | 2 0 |
| Billiard room ... | 2 | 1 0 |
| Broker ... | | |
| Pawnbroker ... | | |
| Street trader ... | | |
| Pleasure boat ... | 1 | 0 10 |
| Cab driver ... | | |
| Window cleaner ... | | |

(3) (a) Where a licence is granted to any person on receipt of a cheque and the cheque is subsequently dishonoured, the licence shall be void as from the time when it was granted.

(b) The person to whom such licence was granted shall return it to the town clerk within forty-eight hours of receiving notice to that effect, and any person failing to do so shall be guilty of an offence unless he has reasonable cause for such failure.

418. The Corporation shall cause a register to be kept of applications for each class of licence, specifying how such applications were disposed of, the particulars in the case of each licence granted, and all changes relating to such particulars intimated to them. Registers of applications for licences.

CH. V *Edinburgh Corporation Order Confirmation
Act 1967*

PART XXIV
—cont.
Display of
byelaws on
premises
licensed
under
Part XXIV.

419.—(1) The holder of a licence in respect of any premises to which byelaws made under:—

Section 366 (Byelaws as to places of public entertainment); or

Section 376 (Byelaws as to billiard rooms); or

Section 379 (Byelaws as to employment agencies);

of this Order shall keep a printed copy or sufficient abstract of such byelaws exhibited in all parts of such premises open to the public in such characters and in such positions as to be conveniently read by persons resorting thereto.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

Power to
refuse
licences.

420.—(1) Without prejudice to any other provision of this Part of this Order with respect to the grounds on which the Corporation may refuse to grant a licence the Corporation may, subject to the provisions of section 423 (Restriction on power to refuse, suspend or revoke licences) of this Order, refuse to grant a licence for any reasonable cause.

(2) The Corporation shall not grant a licence (other than a licence under subsection (1) (b) of section 409 (Window cleaners to be licensed) of this Order), if the applicant is under twenty-one years of age.

Licence-holders
may surrender
licences.

421. The holder of a licence may surrender it during its currency on sending notice to that effect, along with the licence, to the town clerk, and such licence shall cease to have effect on the expiration of fourteen days from the date of the receipt of such notice and licence, or such earlier date as may be specified in such notice.

Power to
suspend or
revoke licences.

422.—(1) Subject to the provisions of the succeeding section the Corporation may suspend or revoke a licence for any reasonable cause, including (without prejudice to the generality of the foregoing):—

(a) a conviction of the holder for an offence against any provision of this Order, or of any byelaws made under this Order, being a provision relating to the matter with which the licence is concerned; or

(b) a breach of any condition to which the licence is subject.

(2) (a) On the suspension or revocation of a licence the holder shall return the licence to the town clerk within seven days from the taking effect of such suspension or revocation, and any holder of a licence failing to do so shall be guilty of an offence unless he has reasonable cause for such failure.

(b) Every document intimating a decision of the Corporation under this section to a holder of a licence shall contain a copy of the preceding paragraph, or a note of its effect.

PART XXIV
—cont.

423. The Corporation shall not:—

(a) refuse an application for the grant of a licence; or

(b) suspend or revoke a licence;

Restriction on
power to refuse,
suspend or
revoke licences.

without first giving the applicant or the holder of the licence, as the case may be, an opportunity of being heard in person or by a representative.

424.—(1) Any holder of a licence aggrieved by any decision of the Corporation suspending or revoking such licence may appeal to the sheriff.

Appeals
against
refusal,
suspension,
revocation,
etc., of
licences.

(2) (a) Any applicant for a succeeding licence aggrieved by any decision of the Corporation—

(i) refusing his application; or

(ii) varying materially the conditions subject to which the previous licence was held;

may appeal to the sheriff.

(b) Where the conditions subject to which any succeeding licence has been granted are varied materially, such variation shall not take effect until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of, or abandoned, and until such time the licence shall be deemed to have been granted subject to the conditions applicable to the preceding licence.

PART XXV

SPECIAL HOURS RESTAURANTS

425. In this Part of this Order:—

Definition
for Part XXV.

“special hours restaurant” means premises to which the public is admitted for the purchase and consumption therein of refreshments at any time between 11 p.m. on any day and 5 a.m. on the following day.

426.—(1) A person shall not keep any premises as a special hours restaurant unless he is registered by the Corporation in respect of such premises.

Registration
of special
hours
restaurants.

(2) (a) Any person who makes application for registration in respect of any premises as a special hours restaurant shall, subject to the provisions of the succeeding subsection, be registered by the Corporation in respect of such premises, and the Corporation shall issue to him a certificate of registration in respect of such premises.

PART XXV
—cont.

(b) The Corporation shall charge a fee of £1 for each application for registration under this section.

(3) The Corporation shall be entitled to refuse an application by any person to be registered in respect of any premises as a special hours restaurant only if:—

- (a) the applicant is not a suitable person to be registered in respect of premises as a special hours restaurant; or
- (b) the internal construction, lighting and other arrangements of the premises are not such as to facilitate the orderly management and control thereof; or
- (c) the use of the premises as a special hours restaurant is likely to cause material annoyance to persons residing in the neighbourhood; or
- (d) there are already sufficient special hours restaurants in the neighbourhood.

Penalty for keeping unregistered special hours restaurant.

427. Subject to the provisions of this Part of this Order any person who keeps any premises as a special hours restaurant unless he is registered under this Part of this Order in respect of such premises shall be guilty of an offence.

Revocation of registration of special hours restaurants.

428.—(1) If, at any time after the date on which an application for a certificate for registration in respect of any premises as a special hours restaurant was lodged, circumstances exist such as, if existing at that date, would have entitled the Corporation to refuse to issue a certificate of registration in respect of such premises, the Corporation may, after giving the person concerned an opportunity of being heard, revoke the registration.

(2) Where any registration in respect of any premises has been revoked under the preceding subsection the Corporation shall give notice of such revocation to the person registered in respect of such premises, and such person shall return his certificate of registration to the town clerk within seven days, and if he fails to do so he shall be guilty of an offence unless he has reasonable cause for such failure.

Appeals against certain decisions under Part XXV.

429. Any person aggrieved by any decision of the Corporation under the preceding provisions of this Part of this Order may appeal to the sheriff.

Temporary exemptions from requirement to register premises as special hours restaurants.

430.—(1) Notwithstanding anything in this Part of this Order the Corporation may, in respect of any particular occasion, or during any specified period (not exceeding two months in any year), on the application of the owner or occupier of any premises, exempt such premises from the requirement of registration as a special hours restaurant, either without conditions or subject to such conditions as they think fit.

(2) The Corporation shall charge a fee of 10s. for each application for an exemption under the preceding subsection.

PART XXV
—cont.

431.—(1) Nothing in this Part of this Order shall apply in relation to any premises:—

Saving for certain premises in respect of Part XXV. 1959, c. 51.

- (a) in respect of which a certificate for the sale of excisable liquor is in force; or
- (b) registered as a club under Part XI of the Licensing (Scotland) Act, 1959; or
- (c) by reason of the service therein of refreshment on any occasion on which a special permission under section 60 of the Licensing (Scotland) Act, 1959, is in force; or
- (d) licensed for entertainment; or
- (e) within any station or depot of the railways board or operators of public service vehicles; or
- (f) used as an hotel, a boarding-house or a common lodging-house; or
- (g) comprising a restaurant or hostel managed and maintained by any duly constituted religious or charitable society or body; or
- (h) forming part of an aerodrome.

(2) Any question whether a society or body is a society or body within the meaning of paragraph (g) of the preceding subsection shall be determined by the Secretary of State.

432. Nothing in this Part of this Order shall be construed as allowing any premises to be kept open during any hours during which they are required to be kept closed under any enactment or any order made under any enactment.

Saving for closing hours of shops in respect of Part XXV.

PART XXVI

BURGH COURT

433. References in any enactment to the police court of a burgh and to any proceedings in the police court of a burgh shall, in their application to the city, be construed as references respectively to the burgh court and to corresponding proceedings in the burgh court.

Designation of burgh court

434.—(1) Subject to the provisions of this Part of this Order the judges of the burgh court shall be the magistrates and the judges of police of the city, and the jurisdiction of the burgh court shall be exercised by a magistrate or judge of police.

Burgh court judges.

(2) The lord provost, or, in his absence, the acting chief magistrate, shall arrange the order in which the magistrates and judges of police shall officiate in the burgh court.

PART XXVI

—cont.

Sheriff may
officiate in
burgh court.Jurisdiction
of burgh
court.

435. The sheriff may, on any special occasion, at the request of the magistrates or, if no magistrates are available, of the town clerk, officiate in, and exercise the jurisdiction of, the burgh court.

436.—(1) Subject to the provisions of the Summary Jurisdiction Act, and of this Order, the burgh court shall exercise:—

- (a) the jurisdiction exercisable by a magistrate of a royal burgh in respect of all crimes and offences punishable at common law;
- (b) jurisdiction in respect of offences against this Order or against any byelaws made under this Order;
- (c) the jurisdiction conferred by any enactment (other than an enactment conferring jurisdiction exclusively upon the sheriff) upon a court of summary jurisdiction or upon the magistrates of a burgh; and
- (d) jurisdiction in respect of offences under the Criminal Law Amendment Acts, 1885 to 1928, so far as relating to the suppression of brothels.

(2) The jurisdiction of the burgh court in respect of offences against head F (Cabs) of Part XXIV (General licensing provisions) of this Order shall be exercisable whether such offences were committed within the city or not.

(3) Nothing in this section shall confer jurisdiction on the burgh court in respect of offences against:—

- (i) the Inland Revenue or Customs Acts; or
- (ii) section 288 of the Edinburgh Corporation Order, 1933; or
- (iii) Part IV (Water) of the Edinburgh Corporation Order, 1958; or
- (iv) head C (Protection of public sewers) of Part XXI (Sewers and drains) of this Order; or
- (v) Part XXII (Water of Leith) or Part XXIII (Watercourses) of this Order; or
- (vi) subsection (4) of section 629 (Power to enter premises) of this Order.

Proceedings
in burgh court
to be at instance
of city
prosecutor.

437.—(1) Except as otherwise provided in any enactment, all prosecutions and other proceedings in the burgh court shall be at the instance of the city prosecutor.

(2) Any prosecutions or other proceedings in the burgh court which have been raised by the city prosecutor (including any interim city prosecutor) shall continue in force and effect notwithstanding the resignation or death of any such prosecutor, and may be taken up and proceeded with by his successor.

438. In addition to the powers conferred by section 93 (2) of the Act of 1947 with respect to the appointment of interim officers, the lord provost or the acting chief magistrate may, in the case of any vacancy in the office of city prosecutor, make an interim appointment to the vacant office to endure until the appointment of a successor, and in any event for a period not exceeding one month, and the said subsection shall, with any necessary adaptations, apply with respect to any interim officer appointed in terms of this section.
- PART XXVI
—cont.
Additional powers with respect to appointment of interim city prosecutor.
439. All fines and expenses imposed by the burgh court, other than fines and expenses payable to the Exchequer, shall be accounted for by the clerk of court to the city chamberlain and shall be paid into the burgh fund.
- Burgh court fines, etc., to be paid into burgh fund.
440. The Corporation may make arrangements with the Society of Procurators of Midlothian, or other appropriate body representing solicitors in the city, for the services of a solicitor being available in the burgh court on behalf of poor persons, and the Corporation may, in respect of such services, pay to the said society, or to such other body, a sum not exceeding in any financial year £500 or such greater sum as may be allowed by the Secretary of State.
- Representation of poor persons in burgh court.
441. Where under this Order an application may be made to the burgh court and a form of procedure appropriate to the application is not provided by the Summary Jurisdiction Act, the application may be made by petition referring to the provision of this Order upon which it is founded, and the court shall dispose of the matter summarily.
- Procedure in applications to burgh court.
442. All expenses reasonably incurred by the city prosecutor in connection with appeals taken by him against decisions in any prosecutions or other proceedings raised by him, and in defending appeals against any convictions, sentences or orders following on any prosecutions or other proceedings raised by him, shall be paid out of the burgh fund.
- Expenses of appeals from burgh court.
443. All incidental powers exercisable by the burgh court in prosecutions under this Order, or any byelaws made under this Order, whether by way of suspension or revocation of licence or otherwise, shall also be exercisable by the sheriff in the exercise of the concurrent jurisdiction conferred by section 7 (2) of the Summary Jurisdiction Act.
- Incidental powers of burgh court to be exercisable by sheriff.
444. Section 103 of the Act of 1947 (which relates to the protection of officers of local authorities acting in the execution of their duties) shall extend and apply with respect to the clerk of the burgh court and to the city prosecutor as if their duties were functions of a local authority.
- Application of section 103 of Act of 1947 to clerk of burgh court and to city prosecutor.

PART XXVII

POLICE OFFENCES

A. General

As to offences
against
Part XXVII.

445. Any person acting in contravention of any provision of this Part of this Order shall, subject to the provisions of this Order, be guilty of an offence against this Order, notwithstanding that such contravention is not expressly declared to be an offence by the provision contravened.

B. Offences relating to public decency and order

Offences
relating to
public decency.

446.—(1) The occupier or person in charge of any premises shall not permit any indecent conduct therein likely to cause annoyance to any person.

(2) A person shall not write or draw any indecent or obscene word, figure or representation in or on any place where it can be seen by the public.

(3) A person shall not sing or recite an obscene song or ballad in public.

Soliciting and
importuning.

447.—(1) A prostitute shall not, in any public place, loiter or solicit for the purpose of prostitution, or importune any person for such purpose.

(2) A person shall not, in any public place, habitually or persistently :—

- (i) importune or solicit any person for immoral purposes; or
- (ii) loiter for the purpose of importuning or soliciting any person for immoral purposes.

(3) Any constable may arrest without warrant any person whom he suspects, with reasonable cause, to be committing an offence under any provision of this section.

Committing
nuisance.

448. A person shall not commit a nuisance in any public place.

Offences
relating to
public order.

449.—(1) The occupier or person in charge of any premises shall not permit any breach of the peace or riotous or disorderly conduct therein.

(2) The occupier or person in charge of any place of public refreshment shall not knowingly permit prostitutes, dissolute persons, known thieves, or associates of known thieves, to assemble therein.

Insulting
language or
behaviour.

450. A person shall not, in any public place :—

- (a) use any threatening, abusive, indecent or insulting words with intent or calculated to provoke a breach of the peace, or whereby a breach of the peace may be occasioned; or
- (b) conduct himself in a manner calculated to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

C. *Indecent and obscene publications*

PART XXVII
—cont.

451.—(1) In this head of this Part of this Order:—

Interpretation
for purposes of
head C of
Part XXVII.

(a) “ indecent or obscene article ” means an article of such nature as to be calculated to deprave or corrupt persons open to depraving or corrupting influences, and includes:—

(i) any description of article containing or embodying matter to be read or looked at, or both;

(ii) any sound record;

(iii) any film, slide, transparency or other record of pictures or any other optical projection; and

(iv) any set of articles which are intended to be read, looked at, displayed, listened to, shown or projected in combination; and

(b) “ publication ” means publication indiscriminately, or in such circumstances as to justify the inference that the indecent or obscene article is likely to fall into the hands of, or be seen or heard by, persons open to depraving or corrupting influences, and includes:—

(i) exhibiting, distributing, circulating, selling, letting for hire, lending, or offering for sale or for hire; and

(ii) showing, playing, or projecting (in the case of an article containing, or embodying matter to be looked at, or a record);

and “ publish ” shall be construed accordingly:

Provided that paragraph (b) (ii) of this subsection shall not apply to anything done in the course of a cinematograph exhibition (within the meaning of the Cinematograph Act, 1952), other than one excluded from the Cinematograph Act, 1909, by section 7 (4) of that Act (which relates to exhibitions in private houses to which the public is not admitted), or to anything done in the course of television or sound broadcasting.

1952 c. 68.
1909 c. 30.

(2) For the purposes of this head of this Part of this Order an article or set of articles shall be deemed to be had or kept for publication if it or such set is had or kept for the reproduction or manufacture therefrom of articles for publication; and the question whether an article or set of articles so had or kept is indecent or obscene shall be determined as if any reference to publication of the article or such set was a reference to publication of articles reproduced or manufactured from it or from such set.

452. A magistrate or judge of police, if satisfied, on the application of the city prosecutor, that there are reasonable grounds for believing that indecent or obscene articles are being kept for publication in any premises or on or in any stall or vehicle, may grant warrant to any constable to enter and search such premises or to search such stall or vehicle (using force if necessary) at any time or times within one month

Seizure of
indecent or
obscene
articles.

PART XXVII from the date of the warrant, and to seize and remove any articles
 ---cont. found therein or thereon which the constable has reason to believe to be indecent or obscene articles and to be kept for publication.

Penalty for publishing indecent or obscene articles.

453.—(1) (a) Subject as hereinafter provided in this head of this Part of this Order, a person shall not publish an indecent or obscene article or have an indecent or obscene article for publication.

(b) A person shall be deemed to have an indecent or obscene article for publication if with a view to such publication he has the article in his ownership, possession or control.

(2) In any proceedings relating to an alleged contravention of the preceding subsection it shall be a defence that the person charged had not examined the article in respect of which he is charged and had no reasonable cause to suspect that it was such that his having it would make him guilty of such contravention.

Forfeiture of indecent or obscene articles on conviction.

454. Where indecent or obscene articles are seized under section 452 (Seizure of indecent or obscene articles) of this Order and a person is convicted under the preceding section of having them for publication, the court on his conviction shall order the forfeiture of those articles:

Provided that an order made by virtue of this section shall not take effect until the expiration of the time within which application may be made for a stated case, and where a case has been stated, until the appeal is finally decided or abandoned.

D. Offences relating to public mischief

Interference with street lights, etc.

455. A person shall not extinguish—

(a) any street light; or

(b) any light in or on any street refuge or traffic sign; or

(c) any light in any common stair;

unless he has lawful authority or reasonable cause for so doing.

Making improper use of police telephones.

456. A person shall not make use of any telephone on any police box or pillar, or any telephone provided for public use in any police premises, unless he has lawful authority or reasonable cause for so doing.

Ringling door-bells, etc.

457. A person shall not wantonly or maliciously disturb or annoy any person by:—

(a) pulling or ringing a door-bell; or

(b) knocking at a door or window.

E. Offences relating to fire.

PART XXVII
—cont.

458. A person shall not, in any public place, deposit material for, or make or set alight, any bonfire in such a position as to cause, or be likely to cause, danger or annoyance to any person, or damage to property. Bonfires in public places.

459. If any chimney catches fire the person occupying or using the premises served by such chimney shall be deemed to have set such chimney on fire and shall be guilty of an offence in respect thereof: Chimneys on fire.

Provided that it shall be a defence in any prosecution in respect of any such offence that such chimney had been swept within six months before the occurrence of the fire, or that the setting of such chimney on fire was not due to the negligence of such person, or any servant of such person, or any member of his household.

F. Offences relating to conduct likely to cause public danger or annoyance, etc.

460.—(1) A person shall not, in such a manner as to cause or be likely to cause danger or alarm to any person— Offences relating to dangerous, etc., conduct.

(a) discharge a firearm, airgun or air-pistol; or

(b) make use of a sling, catapult or other similar contrivance; or

(c) shoot an arrow or bolt; or

(d) throw a stone, snowball or other missile.

(2) (a) A person shall not, in any public place, in such a manner as to cause or be likely to cause danger, alarm, obstruction or annoyance to any person:—

(i) set fire to any firework or throw any ignited firework; or

(ii) play at any game; or

(iii) make or use any slide upon ice or snow; or

(iv) move on roller skates; or

(v) ride on a sledge.

(b) Nothing in this subsection shall be in derogation of Part VI (Parks, etc.) of this Order.

(3) A person shall not:—

(a) wilfully break the ice on any pond used by the public for skating unless he has reasonable cause for so doing; or

(b) go upon the ice on any such pond at any time when notices are displayed intimating that it is in a dangerous state.

(4) A person shall not fly or otherwise set in motion any power-operated model aeroplane or similar contrivance in any public place (other than a part of a park set apart by the Corporation for the purpose).

PART XXVII
—cont.Street
musicians.

461.—(1) A person shall not, in any public place, for or in expectation of personal reward, continue to sound or play any musical instrument, or to sing or perform, after being required to desist by any person resident or occupying premises in the neighbourhood, or by any constable.

(2) The preceding subsection shall not apply in relation to any person singing or playing a musical instrument on any part of the seashore or on any promenade or esplanade adjacent to the seashore in pursuance of a permit under section 64 (Restrictions on structures, etc., and trading on seashore) of this Order.

Noise by
street vendors,
etc.

462. A person shall not, in any public place, in a manner likely to cause annoyance to any person, shout or call out, or use any bell, horn or other instrument or device to draw attention to any wares, avocation, exhibition, spectacle or meeting.

Touting in
public places.

463. A person shall not, in any public place, tout or importune any person for the purpose of selling or advertising any article or obtaining custom.

Obstructive
conduct in
public places.

464. A person shall not:—

- (a) cause an obstruction by standing along with others on any footpath, footway or crossing, or in any common stair, and refusing to move on after being so required by a constable; or
- (b) stand, loiter, sit or lie in any public place to the obstruction or annoyance of any person; or
- (c) wilfully cause any obstruction in any street; or
- (d) wilfully jostle any person in any public place.

Offences
relating to
dangerous
conditions
and practices.

465.—(1) A person shall not:—

- (a) in, or adjacent to, any public place, leave open or inadequately fenced or covered, any opening into a cellar or underground room; or
- (b) raise or lower any article to or from premises by means of a chain or rope without securing such article so as to protect the public against the risk of injury; or
- (c) fix or place any flower-pot, window-box or other article at an upper window without guarding it sufficiently to prevent it from falling into any public place; or
- (d) place or leave any poisonous, corrosive, explosive or inflammable substance in any public place without taking adequate precautions to prevent injury to persons or damage to property; or
- (e) throw down, or drop and leave, in any public place:—
 - (i) any bottle; or
 - (ii) any glass, pottery, nails, wire, thorns or other articles having sharp edges or points; or

- (f) throw down from any building or vehicle any slate, bricks wood, rubbish, snow or other thing which may fall in any public place without taking all precautions reasonably practicable to prevent risk of injury to persons or damage to property; or
- (g) place any clothes line, rope, wire or pole across, upon or over any footpath or footway; or
- (h) place any shade, awning or other projection over or along any footway unless every part of it is at least:—
- (i) 7 feet, 6 inches above the ground; and
 - (ii) 1 foot, 6 inches from the outer edge of the kerb.

PART XXVII
—cont.

(2) A person shall not, in any street:—

- (a) convey on any vehicle (other than a vehicle to which the Motor Vehicles (Construction and Use) Regulations, 1966, apply) any load not secured in such a way as to prevent risk of injury to the public; or
- (b) draw, or cause to be drawn, any tree, timber, beam, girder or other heavy article otherwise than on a wheeled vehicle or except as permitted under the Motor Vehicles (Construction and Use) (Track Laying Vehicles) Regulations, 1955.

466. A person shall not:—

- (a) allow any bull or other dangerous animal to be at large in any public place without being:—
- (i) secured by means of a rope attached to a ring through its nose or otherwise; and
 - (ii) in charge of a person able to exercise effective control of it; or
- (b) allow any horse or cattle to be at large in any public place without being in charge of a person able to exercise effective control of it; or
- (c) fail to exercise effective control of:—
- (i) any bull or other dangerous animal; or
 - (ii) any horse or cattle;
- of which he is in charge in any public place; or
- (d) permit any person under sixteen years of age to drive or have charge of a horse-drawn vehicle in any street.

Control of
animals in
public places.

G. Offences relating to amenity, etc.

467.—(1) (a) A person shall not:—

- (i) in any street distribute any handbill other than a handbill relating to political meetings or purposes, or trade disputes within the city; or
- (ii) lay or spread out any handbill on the surface of any street.

Offences
relating to
amenity.

(b) In this subsection "handbill" includes a pamphlet, leaflet or other printed matter or article.

PART XXVII
—cont.

(2) A person shall not—

- (a) without lawful authority write on or mark any street, building, statue, monument, fence, door or gate; or
- (b) hang or place clothes or other similar articles on the outside of any window in such a manner as to hang down in front of any window of premises occupied by another person; or
- (c) shake or beat any carpet, rug, mat or bedding:—
 - (i) from any window facing any public place; or
 - (ii) in any public place between 9 a.m. and 9 p.m. on any day or between 11 p.m. on any day and 7 a.m. on the following day; or
- (d) beat or shake any soot-bag or soot-sheet in, on, or over any public place; or
- (e) deposit soot, refuse or any other obnoxious or waste matter on any land without the consent of the occupier of such land; or
- (f) discharge any smoke or steam from any premises (otherwise than from the top thereof) into any street, or permit the condensed water or moisture from any steampipe, flue or funnel to fall into or upon any street; or
- (g) slake, sift or screen any lime in any street; or
- (h) lay down in, or remove from, any street any lime or other similar material which is not sufficiently watered to prevent it being carried or blown about.

Restriction of
advertising
vehicles in
streets.

468. A person shall not, without the consent of the Corporation, use, or permit to be used, in any street any vehicle or movable board or structure of whatever form or construction (other than a board or placard carried by one person) for the purpose exclusively or principally of displaying advertisements.

*H. Offences relating to littering and fouling of streets*Goods or
materials
falling on to
streets from
vehicles.

469. A person in charge of a vehicle conveying goods or materials shall:—

- (a) take all precautions reasonably practicable to prevent such goods or materials from falling from the vehicle upon a street;
- (b) remove forthwith any such goods or materials which have so fallen; and
- (c) remove forthwith any straw, paper, packing material or debris thrown or laid on the street in the course of loading or unloading such goods or material.

470. A person in charge of a vehicle shall not bring such vehicle upon any street unless he has first taken, or caused to be taken, all steps reasonably practicable to remove any mud, clay, lime or other substance adhering to the wheels or tracks or other parts of the vehicle which is likely, if not so removed, to cause obstruction or danger to or to incommode, persons using the street, or to cause damage to the surface of the street.

Mud from vehicles on streets.

471.—(1) (a) A person shall not cause or permit any foul liquid, oil, dirt, filth or other offensive matter to run into, or be discharged or fall upon, any street from any premises or vehicle.

Discharge of foul liquids on streets.

(b) In any prosecution in respect of a contravention of the preceding paragraph the occupier of any premises from which the offensive matter runs or is discharged shall, in the absence of evidence to the contrary, be deemed to be the person offending.

(2) A person in charge of a vehicle conveying any liquid, or any material from which liquid may leak or spill, shall take all precautions reasonably practicable to prevent such liquid from leaking or spilling upon a street so as to create, or be likely to create, a danger to persons or vehicles using such street.

472.—(1) A person shall not leave any manure, straw or other similar material in any street for a period longer than one hour.

Removal of manure, etc., from streets.

(2) An authorised officer may remove such material after the expiration of one hour and dispose of it, and the expense of so doing shall be recoverable by the Corporation from the person in default.

473. A person in charge of a dog shall not allow it to deposit its excrement upon a footway or upon the Joppa-Seafield or the Granton-Cramond promenades.

Fouling of footways, etc., by dogs.

I. Offences relating to interference with collection and disposal of refuse and litter

474. A person shall not—

(a) remove, or search or disturb, or otherwise interfere with the contents of, any bin provided for the collection or reception of refuse, food waste, waste paper or litter; or

(b) remove any article placed on any public place for the purpose of being collected and removed by employees of the Corporation; or

(c) search, disturb, or remove the material deposited in any place provided for the disposal of refuse;

unless he has lawful authority or reasonable cause for so doing.

Interference with refuse and litter bins, etc.

475. A person shall not knowingly deposit in any bin provided for the collection of food waste any poisonous, noxious or offensive substance or liquid likely to render such food waste unfit for conversion, utilisation or treatment.

Poisonous, etc., matter not to be deposited in bins for food waste.

PART XXVII

—cont.

Obstruction
of footways,
etc.*J. Offences relating to traffic, etc.*

476.—(1) A person shall not:—

- (a) expose for sale any article so that it projects on or over any footway or beyond the line of any building; or
- (b) carry, roll or drive any cask, tub, hoop, wheel, ladder, plank, pole, timber, or log upon any footway except for the purpose of loading or unloading any vehicle or of crossing such footway.

(2) (a) A person shall not:—

- (i) drive, ride or propel any wheeled vehicle, or lead or ride a horse, on a footway except for the purpose of crossing such footway at an authorised crossing; or
- (ii) drive, ride or propel any wheeled vehicle, or ride a horse, on a footpath.

(b) A notice shall be exhibited by the Corporation at every access to a footpath to which sub-paragraph (ii) of the preceding paragraph applies in such characters and in such positions as to secure that adequate notice is given to the public of the effect of that paragraph.

(c) The Corporation may, by resolution, direct that paragraph (a) (ii) of this subsection shall not apply in relation to any footpath specified in such resolution.

(d) This subsection shall not apply in relation to:—

- (i) the use of a perambulator or invalid carriage (not mechanically propelled); or
- (ii) the use of a cycle by a child under twelve years of age; or
- (iii) the wheeling of a cycle across a footway or along a footpath; or
- (iv) the use by or on behalf of the Corporation of any vehicle in connection with the construction, paving, maintenance, sweeping or cleansing of footpaths or footways, or the collection or removal of refuse from footpaths or footways.

Restriction on
vehicles waiting
in streets.

477.—(1) A person shall not cause or permit any vehicle to stand in any street for a period longer than necessary for taking up or setting down passengers or loading and unloading goods.

(2) The preceding subsection shall not apply in relation to—

- (i) any vehicle while lawfully in an authorised parking place; or
- (ii) a licensed taxi-cab while at an authorised taxi-cab stance; or
- (iii) a public service vehicle while at a stand or stopping place fixed by an order under section 39 of the Act of 1960; or
- (iv) a public service vehicle of the Corporation while at a stand or stopping place appointed in pursuance of section 118 (Starting and stopping places of public service vehicles) of this Order; or

- (v) a vehicle in use as part of a funeral cortege or otherwise in connection with a funeral; or
- (vi) the use in any street of a vehicle so far as necessary in connection with any building operation, demolition or excavation in such street, the removal of any obstruction to traffic in such street, the maintenance, improvement or reconstruction of such street or the laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line in such street; or
- (vii) a fire engine, ambulance or police vehicle; or
- (viii) a vehicle standing owing to the driver being prevented from proceeding by circumstances beyond his control or to such standing being necessary in order to avoid accident.

PART XXVII
—cont.

478.—(1) (a) A person shall not cause or permit any vehicle other than a licensed taxi-cab to stand on any part of any street indicated by signs, or by lines or markings on the carriageway, as an authorised taxi-cab stance.

Prohibition of other vehicles on taxi-cab stances.

(b) Any signs erected, or lines or marks made, by the Corporation to indicate the limits of authorised taxi-cab stances shall be deemed to indicate correctly the limits of the stances indicated unless the contrary is proved.

(2) (a) The preceding subsection shall not apply in relation to a vehicle:—

- (i) delivering goods to, or taking delivery of goods from, any premises fronting part of any part of a street so indicated; or
- (ii) in use as part of a funeral cortege or otherwise in connection with a funeral;

provided such vehicle is not allowed to remain longer than necessary for such purpose.

(b) Subsection (2) (vi), (vii) and (viii) of the preceding section shall, with any necessary adaptations, apply in relation to this subsection.

479. A person shall not leave in any street for a period longer than necessary in the circumstances—

- (a) any coal or other solid fuel; or
- (b) any article of furniture or other article unloaded from, or intended to be loaded on, a vehicle.

Restrictions on leaving coal, articles of furniture, etc., in streets.

480. A person shall not—

- (a) drive any vehicle on or across any grass or other margin in any part of any public street; or
- (b) leave any vehicle on any such grass or other margin;

Vehicles not to be driven on grass margins of streets.

unless he has reasonable cause for so doing.

PART XXVII
—cont.Restrictions
on placing
boats on
promenades, etc.

481. A person shall not, without the consent of the Corporation, place, jack up or lay up any boat upon any promenade, or any sea wall to which the public have access.

*K. Offences relating to known thieves, vagrants, etc.*Offences by
known
thieves, etc.

482.—(1) Any person who, being a known or reputed thief, or an associate of known or reputed thieves:—

- (a) is found in or on any premises or loitering in any public place with intent to steal; or
- (b) has in his possession any picklock, key, crowbar, jack, bit or other implement usually employed in house-breaking; or
- (c) has in his possession any money or article without being able to give a satisfactory explanation of his possession thereof;

shall be guilty of an offence.

(2) It shall not be necessary for the purpose of proving the commission of an offence against paragraph (a) of the preceding subsection to prove that the accused did any particular act tending to indicate his intention and he may be convicted of such offence if, from the circumstances of the case (including the character of the accused) it appears to the court that his intention was to steal.

(3) Any constable may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence against any provision of this section.

(4) Any money or article found in the possession of a person convicted of an offence against this section and forming the subject-matter of such offence shall be deemed to be an article to which section 54 of the Summary Jurisdiction Act (which relates to the forfeiture, on conviction of an offence, of any instruments or other articles found in the possession of the accused and used, or calculated to be of use, in the commission of the offence) applies.

Begging,
vagrancy, etc.

483.—(1) A person shall not, in any public place or from door to door, beg or act in any way for the purpose of inducing the giving of alms:

Provided that nothing in this subsection shall make it an offence to take part in any collection licensed under, or authorised by, any enactment.

- (2) (a) A person shall not conduct himself as a vagrant.

(b) For the purposes of this subsection "vagrant" means a person having no known fixed place of abode and having no lawful means of obtaining his livelihood.

PART XXVII
—cont.

(3) Any constable may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence against any provision of this section.

L. Miscellaneous

484.—(1) The burgh court, if satisfied on the application of the city prosecutor, that the use of any house or of any apartment in any premises for meetings or for entertainments is causing annoyance to persons resident or occupying premises in the vicinity, may make an order requiring the owner of, or the person using or keeping, such house or apartment to discontinue the use thereof for such purposes during such period as may be specified in the order.

Use of premises
for meetings
and entertain-
ments.

(2) Any person failing to comply with any order under the preceding subsection shall be guilty of an offence.

485.—(1) The burgh court, if satisfied on the application of the city prosecutor, that any animal or bird kept in the vicinity of any dwelling-house is causing annoyance to persons resident in such dwellinghouse, may make an order requiring the person keeping such animal or bird to take such steps to prevent the continuance of the annoyance as may be specified, and within such period as may be specified, in the order.

Animals or
birds causing
annoyance.

(2) Any person failing to comply with any order under the preceding subsection shall be guilty of an offence, and the court may authorise any constable to take possession of the animal or bird to which the order relates and to cause it to be destroyed.

PART XXVIII

GENERAL PROVISIONS AS TO OFFENCES

A. Penalties

486.—(1) Any person guilty of any of the offences against the provisions of this Order specified in column 1 of Part I of Schedule 8 to this Order (being offences in respect of which a sentence of imprisonment without the option of a fine is competent) shall be liable on summary conviction to a fine not exceeding the maximum specified in column 2 of Part I of the said schedule opposite to such offence, or to imprisonment without the option of a fine for a period not exceeding the maximum specified in column 3 of Part I of the said schedule opposite to such offence.

Penalties for
offences against
Order.

(2) Any person guilty of any of the offences against the provisions of this Order specified in column 1 of Part II of Schedule 8 to this Order, (being offences in respect of which a sentence of imprisonment without

PART XXVIII the option of a fine is not competent) shall be liable on summary conviction to a fine not exceeding the maximum specified in column 2 of Part II of the said schedule opposite to such offence.
—*cont.*

(3) Any person guilty of an offence against any provision of this Order not specified in Schedule 8 to this Order shall be liable on summary conviction to a fine not exceeding £10.

(4) Where the contravention in respect of which any person is convicted of an offence against this Order is continued after conviction, and a sentence of imprisonment without the option of a fine is not competent in respect of such offence, the person convicted shall be guilty of a further offence of a like nature and shall be liable on summary conviction to a further fine not exceeding, for each day or part of a day during which the contravention is shown to have been so continued, one-half of the maximum fine applicable to the original offence.

Penalties for offences against byelaws.

487. Any person acting in contravention of any byelaw made under this Order shall be guilty of an offence and shall, unless otherwise expressly provided, be liable on summary conviction to a fine not exceeding £10 and, where the contravention is continued after conviction, to a further fine not exceeding £5 for each day or part of a day during which the contravention is shown to have been so continued.

Penalty for aiding and abetting offences against Order and byelaws.

488. Any person who aids, abets, counsels, procures or incites any other person to commit an offence against this Order, or against any byelaw made under this Order, shall be guilty of an offence against this Order, and shall be liable on summary conviction to the same penalty as might be imposed on conviction of the first-mentioned offence.

Offences by bodies corporate.

489. Where an offence against this Order, or against any byelaw made under this Order, which has been committed by a body corporate, is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

B. Evidence

Proof of annoyance, obstruction, danger or alarm.

490. Where, under any provision of this Order or of any byelaw made under this Order, it is provided that any act constitutes an offence when done to the annoyance, obstruction, danger or alarm of any person such annoyance, obstruction, danger or alarm may be proved by evidence other than that of the person alleged to have been annoyed, obstructed, endangered or alarmed.

Proof of age.

491. When, in a prosecution for an offence against this Order or against any byelaw made under this Order, the fact that any person is under a particular age is in issue it shall be sufficient evidence of that fact, unless the contrary is proved, that the person appears to the court to be under that age.

PART XXIX

GENERAL POLICE POWERS OF ENTRY, SEARCH AND ARREST

492.—(1) Any constable (who if not in uniform shall produce his authority if required) may enter:—

Power of constables to enter certain premises and vessels.

(a) any premises kept or used for a purpose for which an authorisation is required under this Order;

(b) any place of public refreshment;

(c) any common lodging-house or farmed-out house;

(d) any premises which he has reasonable cause to suspect of being used as a brothel;

(e) any premises which he has reasonable cause to suspect of being frequented by thieves; and

(f) any vessel other than a vessel in Her Majesty's service.

(2) Any constable (who if not in uniform shall produce his authority if required) may at any time enter any premises registered under the Explosives Act, 1875, in which fireworks are sold by retail, and may inspect the fireworks in such premises.

1875, c. 17.

(3) Every occupier or keeper of any such premises or place, or other person having the charge thereof, or the master of any such vessel, who shall not admit such constable when required shall be guilty of an offence.

493. Any constable (who if not in uniform shall produce his authority if required) may stop, search and detain any person whom he has reasonable cause to suspect of being in possession of any money or article which has been unlawfully obtained.

Power of constables to search persons.

494. Any constable (who if not in uniform shall produce his authority if required) may arrest without warrant any person whom he has reasonable cause to suspect of having committed any offence against Part XXVII (Police offences) of this Order if such person is drunk, disorderly or violent, or threatens to repeat the offence, or is without any known fixed place of abode, or refuses to give his name and address.

General power of constables to arrest.

495.—(1) Where there is reasonable cause to suspect that any money or article which has been unlawfully obtained, is being carried on any vehicle or vessel (other than a vessel in Her Majesty's service), any constable in uniform may stop and search that vehicle or vessel and may seize any such money or article.

Power of constables to search vehicles and vessels.

(2) The person in charge of any such vehicle or vessel who refuses to stop such vehicle or vessel on being so required by any such constable shall be guilty of an offence.

PART XXIX
—cont.

Power of constables to search premises.

496. Where there is reasonable cause to suspect that any money or article which has been unlawfully obtained is kept or concealed in any premises and the case is one of urgency and any delay necessary to obtain a warrant to search would be likely to defeat the ends of justice, any constable (who if not in uniform shall produce his authority if required) may enter such premises (using force if necessary) and may search for and seize any such money or article.

PART XXX

LOST PROPERTY AND PROPERTY UNLAWFULLY OBTAINED

A. *Lost property*

Lost property to be handed over to police by finder.

497.—(1) Every person who finds any article or money (in this head of this Part of this Order referred to as “lost property”) shall, as soon as may be, and in any case within forty-eight hours, report the fact to, and hand over such lost property to, a constable at a police box or police station.

(2) Any person failing to comply with the requirements of the preceding subsection shall be guilty of an offence unless he has reasonable cause for such failure.

Return of lost property to owner.

498.—(1) If the owner of any lost property claims it and proves his ownership to the satisfaction of the chief constable, the chief constable shall deliver it to such owner upon payment or deduction of a reward to the finder of an amount equal to 10 per cent. of its value but, except as hereinafter provided in this section, such reward shall not exceed £10:

Provided that if the chief constable considers that the amount of the reward is inequitable, he may increase or reduce such amount, or, in case of hardship, waive it altogether.

(2) In the event of any dispute between the owner and the finder of any lost property as to its value such value shall be fixed by a valuator to be appointed by the chief constable, and the fee of such valuator shall be payable by the owner or the finder as the chief constable shall determine.

Return of lost property to finder.

499.—(1) If, on the expiration of six months after any lost property has been handed over to a constable, such lost property has not been claimed, or any person who has claimed it has failed to prove his ownership to the satisfaction of the chief constable, the chief constable shall:—

(a) deliver such lost property to the finder; or

(b) sell such lost property and pay the proceeds to the finder.

(2) If the finder of such lost property cannot be traced, or if he fails to take delivery of it within two months of receiving notice from the chief constable, the chief constable may cause such lost property to be sold.

500. The chief constable may cause any lost property of a perishable nature to be sold or to be destroyed, and, in the case of any such sale, the proceeds shall be deemed to be lost property for the purposes of this head of this Part of this Order.

PART XXX
—cont.

Disposal of lost property of a perishable nature.

501. The proceeds of the sale of any lost property sold by the chief constable and not paid to the owner or finder in pursuance of any provision of this head of this Part of this Order, or, if the lost property is money, such money, shall be accounted for to the city chamberlain and paid into the burgh fund.

Proceeds of sale of unclaimed lost property to be paid into burgh fund.

502. Any owner or finder of lost property aggrieved by a decision of the chief constable under this head of this Part of this Order with respect to:—

Decisions of chief constable with respect to lost property may be referred to burgh court.

- (a) the ownership of any lost property; or
- (b) the amount of a reward to a finder; or
- (c) the liability for payment of the fee of a valuator;

may require such decision to be referred to, and dealt with by, the burgh court, and the decision of the burgh court on any such question shall be final.

503. Nothing in this head of this Part of this Order shall apply in relation to any lost property found in any vehicle or premises in respect of which provision is made by any other enactment for the redelivery or disposal of lost property, or in or upon any railway property.

Saving for other enactments relating to disposal of lost property.

B. Property unlawfully obtained

504.—(1) On an application by the city prosecutor representing that any article:—

Brokers, etc., to produce articles unlawfully obtained.

- (a) has been unlawfully obtained from any person; or
- (b) having been lawfully obtained, has been unlawfully pawned, pledged, sold or exchanged;

and is in the possession of any broker, pawnbroker or other person who may have advanced money upon the security thereof the burgh court may make an order requiring the appearance of such broker, pawnbroker or other person and the production of the article.

(2) A broker, pawnbroker or other person who, after the service upon him of an order made under the preceding subsection disposes of the article, or otherwise fails to comply with the order, shall be guilty of an offence unless he has reasonable cause for such failure.

505.—(1) Where any article has:—

Disposal of articles unlawfully obtained in possession of police.

- (a) been produced by virtue of the preceding section; or
- (b) come into the possession of the police in connection with any criminal proceedings, or proposed criminal proceedings, or by virtue of subsection (1) (e) of section 384 (Miscellaneous

PART XXX
—cont.

1872, c. 93.

provisions as to brokers) or section 387 (Brokers and pawnbrokers may detain persons offering property unlawfully obtained) of this Order, or section 34 of the Pawnbrokers Act, 1872;

the burgh court may, on the application either of the city prosecutor or of any person claiming the article:—

- (i) make an order for the delivery of the article to the person appearing to the court to be the owner, either with or without payment; or
- (ii) if the owner cannot then be ascertained or, if the person appearing to the court to be the owner refuses or delays to take delivery of the article, make such order with respect to the article as the court thinks proper.

(2) An order under paragraph (i) of the preceding subsection shall not affect the right of any person to take, within a period of three months from the date of the order, civil proceedings for the recovery of the article to which the order relates against any person in possession of it but on the expiration of the said period any such right shall cease.

(3) Notwithstanding anything in this section, the chief constable may at any time cause to be sold or, if it is unmarketable, otherwise disposed of, any article which is in the possession of the police as a result of any of the circumstances referred to in subsection (1) (b) of this section and which is of a perishable nature or of such a nature that its custody involves unreasonable expense or inconvenience and, in the event of a sale, the proceeds shall be dealt with as if they were the original article.

PART XXXI

ACQUISITION AND DISPOSAL OF LAND

A. *Definitions for Part XXXI*Definitions for
Part XXXI.

506. In this Part of this Order—

“land” includes land covered with water, and any interest in land, and any right or servitude in, to or over land; and

“Lands Clauses Act” means the Lands Clauses Consolidation (Scotland) Act, 1845.

1845, c. 19.

B. *Acquisition of land by agreement*Acquisition of
land by
agreement for
purposes of
Order, etc.

507.—(1) (a) The Corporation may acquire by agreement any land within or outwith the city—

(i) for the purposes of any of their functions under this Order; and

(ii) for the benefit, improvement or development of the city.

(b) The Corporation may, in the exercise of the powers conferred by this subsection, acquire any land notwithstanding that it is not immediately required.

(2) The Lands Clauses Acts except—

PART XXXI
—cont.

(a) the provisions relating to the acquisition of land otherwise than by agreement;

(b) sections 120 to 125 of the Lands Clauses Act (which relate to the sale of superfluous land); and

(c) sections 142 and 143 of the Lands Clauses Act (which relate to access to the special Act);

and sections 6 and 70 of the Railways Clauses Act and sections 71 to 78 of the Railways Clauses Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923, shall be incorporated with this section, and in construing those provisions for the purposes of this section this section shall be deemed to be the special Act and the Corporation to be the promoters of the undertaking, or company, as the case may require. 1923, c. 20.

508.—(1) The Corporation may, with the consent of the Secretary of State, acquire, for any of the purposes specified in subsection (1) (a) of the preceding section, any land vested in themselves as governors and administrators of Trinity Hospital. Power to acquire Trinity Hospital lands.

(2) The consideration for any such acquisition shall be determined by a valuer to be appointed by the Secretary of State on the application, and at the expense, of the Corporation.

C. Compulsory acquisition of land

509.—(1) The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purposes of any of their functions under the following Parts of this Order:— Compulsory acquisition of land for purposes of Order, etc.

Part IX (Public health and sanitation);

Part X (Cleaving);

Part XII (Transport);

Part XIII (Markets and slaughterhouses) (but only with respect to the provision of markets);

Part XVIII (Streets);

Part XIX (Rights of way and public ways);

Part XX (Lighting);

Part XXI (Sewers and drains); and

Part XXII (Water of Leith).

(2) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act. 1947, c. 42.

(3) Nothing in this section shall authorise the acquisition of operational land of any statutory undertakers.

PART XXXI
—cont.

Completion of title in certain circumstances to land acquired compulsorily.

510.—(1) Where in the case of any land the Corporation would, if the purchase money or compensation payable had been deposited in a bank in accordance with the provisions of section 75 of the Lands Clauses Act, have been entitled to expedite a notarial instrument under section 76 of that Act, they may (notwithstanding any law or practice to the contrary and notwithstanding that the amount of the purchase money or compensation payable has not been agreed or awarded, and in any case without depositing such purchase money or compensation (if any) in bank) expedite a notarial instrument in relation to such land, and the said section 76 shall, with any necessary adaptations, apply to such land as if it had been land to which the said section was applicable.

(2) Nothing in this section shall affect the rights of the parties interested in any land acquired compulsorily to recover the purchase money or compensation payable to them by the Corporation.

D. Disposal of land

Power to dispose of land.

511. Notwithstanding anything in any enactment, the Corporation may, by public roup or private bargain, dispose of any land vested in them for the purposes of this Order or of Part IV (Water) of the Edinburgh Corporation Order, 1958, and not required for such purposes:

Provided that—

- (a) the Corporation shall not (unless the Secretary of State otherwise consents) dispose of any land to which this section applies except on the best terms which can reasonably be obtained, but a person acquiring right to any such land shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained;
- (b) the proceeds of any such sale shall be applied only to purposes to which capital is properly applicable, including the redemption of debt; and
- (c) the proceeds of the sale of any land vested in the Corporation for the purposes of the water undertaking or the transport undertaking, or forming part of the common good, shall be applied only to the purposes of the water undertaking, or the transport undertaking, or the common good, as the case may be.

PART XXXII

VALUATION OF LANDS AND HERITAGES

Valuation roll year.

512. Notwithstanding anything in the Valuation Acts, the ordinary valuation roll for the city shall continue to come into force on 29th May in each year and in their application to the city the said Acts shall have effect accordingly.

Application of Lands Valuation (Scotland) Act, 1854. 1854 c. 91.

513. In the application to the city of the Lands Valuation (Scotland) Act, 1854—

- (a) section 1 shall be read and have effect as if—
the words “and designations” were omitted;

(b) section 5 shall be read and have effect as if—

PART XXXII
—cont.

(i) the words “whether or not he has so appealed” were substituted for the words “without the necessity of such appeal”;

(ii) the word “at” was inserted between the words “the same” and “or sending”;

(iii) the words “to his usual place of business or to” were substituted for the word “at” first occurring therein; and

(iv) the words “the place of business or” were inserted between the words “and where” and “the residence”;

(c) section 7 shall have effect as if—

(i) the city assessor was also authorised to call upon any factor, agent or other person acting for or in the name of any proprietor or reputed proprietor or tenant or occupier of any lands and heritages for a written statement of the particulars with respect to such lands and heritages required thereby, and as if such factor, agent or other person was also liable to the penalty provided thereby for failure to furnish such written statement; and

(ii) any such factor, agent or other person making a false statement of the yearly rent or value, or any other particulars of any such lands and heritages required to be furnished in pursuance thereof was also liable to the penalty provided thereby with respect to any such false statement; and

(d) section 30 shall be read and have effect as if—

the words “or designation” were omitted.

PART XXXIII

FINANCE

A. Financial year

514. The financial year of the Corporation shall be the year commencing on 29th May. Financial year of Corporation.

B. Rating

515.—(1) All expenditure incurred by or on behalf of the Corporation in carrying out the provisions of this Order and of any other enactment relating to the Corporation and not otherwise recovered as provided in this Order or such other enactment, shall be paid out of the burgh fund and shall be deemed to be expenditure payable out of the city rate. Expenditure payable out of city rate.

(2) (a) Any deficit in any financial year in the accounts of the transport undertaking which cannot otherwise be provided for under the provisions of this Order and of any other enactment applicable to the transport undertaking may be met out of the city rate.

PART XXXIII (b) Any surplus in any financial year in the accounts of the transport
—cont. undertaking may be credited to the city rate.

Fraction of a penny of rates.

516. In determining the amount per pound of the city rate and the domestic water rate the Corporation shall not be bound to determine an amount which shall include a fraction of a penny.

Section 239 of Act of 1947 not to be applicable.

517. Section 239 of the Act of 1947 (which relates to the levy of occupiers' rates on owners of lands and heritages which are let at an annual rent of or under £4) shall not apply to the Corporation or the city.

Penalty for non-payment of rates.

518. If on 1st March in any year (including the financial year ending on 28th May, 1967) any person has not paid the amount due by him in respect of the city rate and the domestic water rate the Corporation may demand, take and recover from such person an additional sum equal to one penny per pound of rateable value of the lands and heritages in respect of which such rates are due.

Application of section 247 of Act of 1947.

519. In its application to the Corporation and to the city section 247 of the Act of 1947 (which relates to recovery of rates) shall be read and have effect as if:—

- (a) the word "rates" included any additional sum payable in pursuance of the preceding section; and
- (b) the words "(other than goods or effects deposited in the ordinary course of business with such persons for repair or storage)" were inserted after the words "in the lawful possession of such person" in subsection (2) (a).

Rating of harbour and docks of Leith.

520.—(1) The Corporation may, for any such period as is mentioned in the succeeding subsection, grant a remission of the city rate leviable in respect of lands and heritages within the harbour and docks of Leith owned and occupied by the dock commission.

(2) A remission of the city rate under the preceding subsection may be granted —

- (a) for the financial year in which, or the financial year next following that in which, the determination to grant it is made; or
- (b) for a specified term of financial years, not exceeding five, beginning not earlier than the financial year in which the determination is made, nor more than two years after the date of the determination; or
- (c) for an indefinite period beginning not earlier than the financial year in which the determination is made, subject, however, to the exercise by the Corporation of their powers under the succeeding subsection.

(3) Where any such remission is granted for an indefinite period, the Corporation may, on giving not less than one year's notice, terminate or modify the reduction as from the end of a financial year specified in the notice.

(4) (a) Notwithstanding anything in this section the city rate shall, in respect of each financial year during which the dock commission provide Corporation services within the harbour and docks of Leith to the extent to which such services were provided by them during the financial year ending on 28th May, 1967, be levied only to the extent of $61\frac{3}{4}$ per cent. in respect of lands and heritages within the harbour and docks of Leith owned and occupied by the dock commission.

(b) Any dispute under this subsection between the Corporation and the dock commission shall be settled by arbitration.

(c) For the purposes of this subsection "Corporation services" means services which, in the case of other lands and heritages, are normally provided by the Corporation, and any Corporation services provided within the harbour and docks of Leith of which the cost is repaid to the Corporation by the dock commission shall be deemed to be provided by the dock commission.

521.—(1) The Corporation may, for any such period as is mentioned in the succeeding subsection, grant a remission of the city rate leviable in respect of lands and heritages within Granton Harbour owned and occupied by Granton Harbour Ltd. and their successors.

Rating of
Granton
Harbour.

(2) A remission of the city rate under the preceding subsection may be granted—

(a) for the financial year in which, or the financial year next following that in which, the determination to grant it is made; or

(b) for a specified term of financial years, not exceeding five, beginning not earlier than the financial year in which the determination is made, nor more than two years after the date of the determination; or

(c) for an indefinite period beginning not earlier than the financial year in which the determination is made, subject, however, to the exercise by the Corporation of their powers under the succeeding subsection.

(3) Where any such remission is granted for an indefinite period, the Corporation may, on giving not less than one year's notice, terminate or modify the reduction as from the end of a financial year specified in the notice.

(4) Notwithstanding anything in this section, the city rate shall not, in respect of lands and heritages within Granton Harbour owned and occupied by Granton Harbour Ltd. and their successors, be levied to an extent greater than $74\frac{1}{2}$ per cent. thereof in respect of the financial year ending on 28th May, 1969, 80 per cent. thereof in respect of the financial year ending on 28th May, 1970, 85 per cent. thereof in respect of the financial year ending on 28th May, 1971, and 90 per cent. thereof in respect of the financial year ending on 28th May, 1972.

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—cont.

Remission of rates where part of lands and heritages has ceased to exist.

522. Where during any financial year any part of any lands and heritages entered in the valuation roll has ceased to exist, the Corporation may grant a remission of the city rate and of the domestic water rate levied in respect of such lands and heritages for that year to an extent which, according to a certificate by the city assessor, corresponds to the proportion of the rateable value of such lands and heritages properly attributable to the part which has ceased to exist and to the period during which such part was no longer in existence:

Provided that a remission of the city rate and of the domestic water rate under this section shall not be granted—

- (a) where the period during which the part which has ceased to exist is less than three consecutive months in the financial year; and
- (b) where application for such remission has not been made in writing to the Corporation within one month after the end of the financial year to which the application relates.

C. *Reserve, depreciation, etc., funds*

General reserve fund.

523.—(1) The Corporation may maintain the general reserve fund, and may apply it in defraying any expenditure which might be met out of the city rate.

(2) The Corporation may in any financial year pay into the general reserve fund such amount as they think fit, so however that the general reserve fund shall not at any time exceed one-tenth of the aggregate capital expenditure of the burgh fund (other than capital expenditure applicable to the transport undertaking).

(3) This section shall not apply in relation to:—

- (a) any reserve, depreciation, renewal, or insurance funds applicable to the transport undertaking; or
- (b) the British Commonwealth Games Fund referred to in section 525 (Reserve fund for British Commonwealth Games) of this Order.

Reserve, etc., funds of transport undertaking.

524.—(1) The Corporation may maintain reserve, depreciation, renewal or insurance funds for the transport undertaking.

(2) The aggregate amount of such reserve, depreciation, renewal or insurance funds shall not at any time exceed one-seventh of the aggregate capital expenditure of the transport undertaking.

Reserve fund for British Commonwealth Games.

525.—(1) The Corporation may maintain the British Commonwealth Games Fund (being the fund described in the repealed Acts as the "British Empire Games Fund") for the purpose of meeting any expenditure incurred by them in relation to the holding of the British Commonwealth Games in the city in 1970 or in any of the subsequent five years and of making financial contributions to the funds of any company, society or body undertaking responsibility for organising the holding of the said games in the city.

(2) The Corporation may from time to time appropriate out of the burgh fund to the British Commonwealth Games Fund such sums (not exceeding £15,000 in any financial year) as they consider expedient until the sums so appropriated amount to £250,000.

PART XXXIII
—cont.

(3) Any balance of the British Commonwealth Games Fund remaining after payment of the expenditure and contributions referred to in subsection (1) of this section shall be applied in such manner as the Corporation may determine in defraying expenditure which might be met out of the city rate.

(4) In the event of the British Commonwealth Games not being held in the city in 1970 or in the subsequent five years the British Commonwealth Games Fund (so far as not previously applied in meeting any advance expenditure or contributions referred to in subsection (1) of this section) shall thereafter be applied in such manner as the Corporation may determine in defraying expenditure which might be met out of the city rate.

526.—(1) Any capital, reserve, depreciation, accident, insurance, renewal, superannuation or other funds held by the Corporation may be invested by them in any investments which trustees are for the time being authorised to make under the Trusts (Scotland) Act, 1921, and the Trustee Investments Act, 1961.

Investment of capital, reserve, etc., funds.
1921, c. 58.
1961, c. 62.

(2) Notwithstanding any rule of law to the contrary, the powers of investment conferred on the Corporation by the preceding subsection shall include power to invest in securities of the Corporation.

D. Borrowing

527.—(1) The provisions of Part XII of the Act of 1947 (which relates to borrowing by local authorities) so far as relating to town councils and to burghs and except in so far as amended, modified, varied or extended by this head of this Part of this Order shall, with any necessary adaptations, extend and apply to the Corporation and to the city in addition to the provisions of the Act of 1947 now applicable to the Corporation and to the city.

Application of Part XII of Act of 1947.

(2) In its application to the Corporation section 258 of the Act of 1947 (which relates to the purposes for which money may be borrowed) shall have effect as if the words “as nearly as may be at or” were inserted between the words “repaid” and “before” in the proviso to subsection (2).

528. The loans fund established by the Corporation in pursuance of the repealed Acts shall be deemed to be a loans fund established under section 275 of the Act of 1947:

Loans fund.

Provided that, in its application to the Corporation, rule 16 of the Eighth Schedule to the Act of 1947 shall have effect as if—

(i) after sub-rule (4) (b) there were inserted the words—

“ or

(c) towards the cost of any scheme of public improvement within the city”; and

PART XXXIII
—cont.

- (ii) between the words “ paragraph (b) ” and “ hereof ” in the proviso to sub-rule (4) there were inserted the words “ or (c) ”.

Power to
borrow by
means of
promissory
notes.

529.—(1) (a) In addition to the modes of borrowing authorised by section 260 of the Act of 1947, the Corporation may raise any money which they are authorised to borrow by the issue of promissory notes:

Provided that the amount of promissory notes issued under this paragraph and outstanding at any time shall not exceed £1,000,000.

(b) The Corporation may also, for the purposes specified in section 258 (2) of the Act of 1947, borrow in any financial year, by the issue of promissory notes, such an amount as, together with the amount of promissory notes (if any) issued under the powers of the preceding paragraph and outstanding at the date of borrowing, shall not exceed 20 per cent. of the amount estimated to be produced by the city rate and the domestic water rate levied in the city during the then current financial year.

(2) The following provisions shall apply with respect to the issue of promissory notes by the Corporation:—

- (a) a register of the promissory notes issued or renewed by the Corporation shall be kept by the city chamberlain, and shall show the amount of each promissory note, the date of issue, the date when it falls due, and the date of payment:
- (b) each promissory note shall be for an amount of not less than £500:
- (c) the amount received by the Corporation in respect of a promissory note shall be deemed to be principal money raised by means of such promissory note, and the difference between the amount payable in respect of a promissory note and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (d) all promissory notes shall be in, or as nearly as may be in, the form contained in Schedule 9 to this Order:
- (e) all promissory notes shall be signed by a member of the Corporation and by the city chamberlain, with or without the common seal being affixed:
- (f) upon repayment of the sum contained in any promissory note the city chamberlain shall uplift the note endorsed by the holder, and shall thereupon cancel it by perforated stamp, and an entry of such cancellation shall be made in the register of promissory notes.

Extinction of
Corporation
securities
purchased by
Corporation.

530. All Corporation securities purchased by the Corporation for extinction shall be cancelled by them forthwith, and on such cancellation such securities and all dividends and interest thereon (not already accrued) shall, by virtue of this Order, be extinguished.

531.—(1) The Corporation may from time to time borrow any money necessary:—

PART XXXIII
—cont.

Borrowing by
Corporation
for purposes
of Order.

(a) for the purposes of this Order to which capital is properly applicable and for which borrowing powers are not otherwise available; and

(b) for paying the costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order, or otherwise in relation thereto;

in the same manner as if the said purposes were included among the purposes mentioned in section 258 (1) of the Act of 1947, and Part XII of the Act of 1947 shall extend and apply with respect to the borrowing of money under this section.

(2) Notwithstanding anything in section 262 of the Act of 1947 (which relates to the period of repayment of sums borrowed by a local authority) any money borrowed for the purposes specified in paragraph (a) of the preceding subsection shall be repaid within forty years from the date or dates of borrowing the same, and any money borrowed for the purposes of paragraph (b) of the said subsection shall be repaid within five years from 29th May, 1967, or from the date of borrowing, as the case may be.

532. All borrowing powers of the Corporation exercised before the commencement of this Order under or in accordance with the provisions of the repealed Acts shall, notwithstanding the repeal of the repealed Acts, continue to be in force as fully and effectually as if the Act confirming this Order had not been passed, so however that all money so borrowed shall be repaid within the period specified in the relevant provisions of the repealed Acts.

Saving in
respect of
existing
Corporation
borrowing.

533. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of any order in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, or of section 259 of the Act of 1947.

Saving for
control on
borrowing.
1946, c. 58.

E. Miscellaneous

534.—(1) In its application to the Corporation and to the city, section 132 of the Act of 1948 (which relates to the provision of entertainments by local authorities) shall be read and have effect as if subsections (4) and (5) (which require publication of an application by a local authority for borrowing consent, and which make provision for the making and disposing of objections thereto) were omitted.

As to
application of
section 132 of
Act of 1948.

PART XXXIII
—cont.

(2) (a) Where a contribution from the general reserve fund has been made by the Corporation towards their expenditure under section 132 of the Act of 1948 in respect of any purpose to which capital would properly have been applicable, such contribution shall be excluded from the limitation of expenditure imposed by subsection (3) of section 132, but an amount equal to the loan charges on a loan equivalent to the amount of such contribution shall be deemed to be part of the expenditure to which that limitation applies.

(b) The preceding paragraph shall, with any necessary adaptations, apply with respect to a contribution made by the Corporation towards their expenditure under section 132 of the Act of 1948 from any capital fund established by them.

Power to lend to certain public and other bodies.

535.—(1) Subject to the provisions of this head of this Part of this Order the Corporation may from time to time lend to:—

- (a) the dock commission;
- (b) any other local authority;
- (c) any joint board on which the Corporation are represented; and
- (d) the managers of any educational establishment in the city (the terms “managers” and “educational establishment” having the same meanings as in the Education (Scotland) Act, 1962);

1962, c. 47.

(each of which is hereinafter in this section referred to as “the borrowing authority”) such sums as the borrowing authority is authorised to borrow under any enactment, and that upon the security of any lands or of any rates, assessments, rents, revenues or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

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

- (a) the sum shall be advanced by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow the same, and with a provision for repayment by annual instalments or otherwise, as the Corporation and the borrowing authority may agree;
- (b) all sums received for interest shall be credited to the interest account in the loans fund;
- (c) all sums received for principal shall be applied in the manner directed in rule 6 (d) of the rules set out in the Eighth Schedule to the Act of 1947;
- (d) if any sum payable to the Corporation for principal is not received within six months of the time appointed for the payment thereof a like sum shall be raised by means of the city rate and applied or invested in place thereof by the Corporation, and if after such application or investment the sum or any part thereof shall be received by the Corporation it shall be credited to the city rate; and

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

(3) The purposes of this section shall be purposes for which the Corporation are authorised to borrow.

536. All fees, costs, charges and disbursements recovered by the town clerk shall be paid into the burgh fund: As to fees, etc.,
recovered by
town clerk.

Provided that, subject to the approval of the Secretary of State, such fees, or such part thereof as the Corporation may fix from time to time, may be credited to the common good.

537. Notwithstanding anything in section 182 of the Act of 1947 (which relates to payments to and by town councils) or in any regulations made under that section all payments due to be made by the Corporation may be made without the necessity of an order of the finance committee signed and countersigned in pursuance of that section: Payment of
accounts of
Corporation.

Provided that:—

(a) lists of all payments so made, prepared in such form as the Corporation may from time to time prescribe, shall be deposited for the information of members of the Corporation in the city chambers, in such manner, at such intervals, and for such periods as the Corporation may from time to time prescribe; and

(b) during the period that such lists are so deposited the city chamberlain shall, on request by any member of—

(i) the committee of the Corporation to which a list relates; or

(ii) the finance committee;

produce for the inspection of such member any account included in any such list.

538. The Corporation may make contributions, not exceeding in any financial year £5,000 or such greater sum as may be allowed by the Secretary of State, towards the maintenance of— Power to
contribute to
maintenance of
Nelson Halls
and Lauriston
Castle.

(a) the Nelson Halls; and

(b) Lauriston Castle;

or either of them, if the income available for that purpose under the respective trust deeds is insufficient.

539. The Corporation shall furnish a copy of the annual abstract of their accounts so far as relating to the transport undertaking to the Minister of Transport within six months after the end of each financial year, or such longer period as the Minister may allow. Transport
accounts to
be furnished
to Minister
of Transport.

PART XXXIV

SUPERANNUATION

*Definitions for superannuation purposes*Definitions for
Part XXXIV.

1937, c. 69.

540. In this Part of this Order:—

“ Act of 1937 ” means the Local Government Superannuation (Scotland) Act, 1937;

“ equivalent contribution ” means the contribution referred to in section 550 (Equivalent contribution) of this Order;

“ opting employee ” means an officer or servant who exercised the option to retain existing rights conferred by article 26 of the scheme of 1955 and who continues to be a contributor to the superannuation fund without a disqualifying break in service;

“ scheme of 1955 ” means the Edinburgh Corporation Superannuation Modification Scheme, 1955;

“ superannuation fund ” means the fund referred to in section 542 (Vesting and management of superannuation fund) of this Order; and

“ superannuation scheme ” means the superannuation scheme of the Corporation administered by them under this Part of this Order and any other enactment or scheme relating to superannuation and applicable to the Corporation or to officers and servants of the Corporation.

Definitions for
purposes of
superannuation
scheme.

541.—(1) For the purposes of the superannuation scheme:—

“ aggregate service ” means—

(a) the total completed years of service, subject to the provisions of the superannuation scheme, of an officer or servant with the Corporation or with a transferred authority, whether such service was continuous or not; and

(b) such number of years' service as may, in accordance with the provisions of the superannuation scheme, have been added to the number of years actually served;

“ officer ” means a permanent whole-time employee of the Corporation whose duties are wholly or mainly administrative, professional or clerical, not being—

(i) a person under the age of eighteen years; or

(ii) a constable; or

(iii) a person to whom the provisions of the Teachers (Superannuation) (Scotland) Regulations, 1957 to 1965, apply;

and includes any employee who devotes substantially the whole of his time to the employment of the Corporation and substantially the whole of the rest of his time to employment by one or more joint boards, joint committees, associations of local authorities or joint councils on which the Corporation are represented or to the duties of any office associated with the Corporation or the city;

“ remuneration ” means all salary, wages and other payments paid or made to an officer or servant for his own use and includes the money value of any house or apartments and other allowances in kind pertaining to his employment (but does not include casual payments or responsibility payments of a temporary nature, payments for overtime, travelling or subsistence allowances or other moneys spent, or to cover expenses incurred by him for the purposes of his employment, including uniform, protective clothing, single meals or meal vouchers);

“ servant ” means a permanent whole-time employee of the Corporation, not being under the age of eighteen years, who is not an officer;

“ superannuation benefits ” means—

(i) superannuation allowances payable to officers and servants;

(ii) annuities to widows of officers and servants payable under section 555 (Annuities for widows of opting employees) of this Order; and

(iii) any other superannuation benefits payable under the scheme of 1955 or the superannuation regulations;

“ superannuation benefit ” means any of such superannuation benefits;

“ transferred authorities ” means the education authority of the city of Edinburgh, the parish council of the city parish of Edinburgh, and the Edinburgh District Board of Control, and “ transferred authority ” means any one of the transferred authorities; and

“ transferred officer or servant ” means an officer or servant transferred to the Corporation from a transferred authority.

(2) (a) For the purposes of the superannuation scheme the Corporation shall be deemed to include:—

(i) the Corporation as governors and administrators of Trinity Hospital;

(ii) subject to the provisions of the Heriot-Watt College Order 1965, the governors of Heriot-Watt College and the Heriot-Watt University;

(iii) the Edinburgh Sheriff Court House Commissioners; and

(iv) the Forth Road Bridge Joint Board.

(b) Subject as aforesaid the officers and servants of such bodies shall be deemed to be officers and servants of the Corporation.

PART XXXIV
—cont.

(3) For the expressions “ salary or wages ” and “ salary wages or emoluments ” wherever they occur in the superannuation scheme there shall be substituted the expression “ remuneration ” as defined by subsection (1) of this section.

(4) Other terms, words and expressions to which meanings are assigned by the Local Government Superannuation (Scotland) Acts, 1937 to 1953, shall, unless there is something in the subject or context inconsistent with, or repugnant to, such construction, have the same respective meanings in the provisions of the superannuation scheme in which such terms, words and expressions are used.

Vesting, management, investment and valuation of superannuation fund

Vesting and management of superannuation fund.

542. The superannuation fund of the Corporation shall continue vested in the Corporation and shall be held, administered and applied by them in accordance with the provisions of the superannuation scheme.

Payments into superannuation fund.

543.—(1) There shall be credited to the superannuation fund in each financial year:—

- (a) the amounts contributed by officers and servants;
- (b) the equivalent contribution;
- (c) any amounts payable into the superannuation fund in accordance with any scheme for making good a deficiency;
- (d) all dividends and interest arising out of the investment or use of the superannuation fund, and any capital moneys resulting from the realisation of investments or from the repayment of moneys used temporarily for other purposes;
- (e) transfer values or additional contributory payments received by the Corporation; and
- (f) all other sums which the Corporation may become liable to credit to the superannuation fund under any enactment.

(2) The equivalent contribution and the equal annual charge shall be met out of the same rates, revenues and accounts as those upon which are charged the remuneration from which the contributions of officers and servants are deducted.

Payments out of superannuation fund.

544. The Corporation shall pay out of the superannuation fund:—

- (a) superannuation benefits;
- (b) contributions of officers and servants to the superannuation fund returned under the superannuation scheme;
- (c) transfer values payable by the Corporation under any enactment;

- (d) the expenses of management of the superannuation fund; and
(e) all other sums payable out of the superannuation fund under any enactment.

PART XXXIV
—cont.

545. Any moneys forming part of the superannuation fund and not for the time being required to meet payments to be made out of the superannuation fund shall be invested in accordance with the provisions of section 526 (Investment of capital, reserve, etc., funds) of this Order.

Investment of
superannuation
fund.

546.—(1) (a) The Corporation shall:—

(i) as soon as may be after the expiration of the financial year ending on 28th May, 1967; and

(ii) upon the expiration of each period of five years thereafter;

Actuary's
certificates and
periodical
valuation of
superannuation
fund.

obtain from an actuary an actuarial valuation of, and a report on, the assets and liabilities of the superannuation fund in such form, and containing such information, as may be prescribed by any regulations made by the Secretary of State under the Act of 1937.

(b) Every valuation under this subsection shall be a valuation as at the end of a financial year.

(2) The Corporation may at any other time obtain a valuation and report under this section.

(3) The Corporation shall forthwith upon receipt of any valuation or report under this section send a copy thereof to the Secretary of State.

(4) (a) Where by any valuation and report under this section a deficiency or a disposable surplus is disclosed, the Corporation shall, within six months after receiving the valuation and report, make a scheme for making good the deficiency or, as the case may require, for disposing of the surplus.

(b) Section 31 of the Act of 1937 with reference to schemes under that Act shall, with any necessary adaptations, apply with reference to any scheme under this section.

(5) (a) Any scheme under the preceding subsection for the making good by the Corporation of a deficiency may provide for such deficiency being made good:—

(i) by an annual payment over a period of forty years from the date of such valuation (charged upon the same rates, revenues and accounts as those upon which are charged the remuneration from which the contributions of officers and servants are deducted); or

(ii) out of the general reserve fund; or

(iii) by borrowing:

PART XXXIV
—*cont.*

Provided that a payment out of the general reserve fund shall not be made in respect of any deficiency so far as relating to the transport undertaking, the water undertaking or the common good.

(b) Any money borrowed under this subsection shall be repaid within forty years from the date of borrowing.

Contributions to superannuation fund

Contributions of officers and servants to superannuation fund.

547.—(1) Subject to the provisions of the superannuation scheme:—

- (a) every officer and servant in the employment of the Corporation immediately before the date of the passing of the Act confirming this Order shall continue to contribute to the superannuation fund the appropriate percentage of his remuneration prescribed by or in pursuance of the repealed Acts; and
- (b) officers and servants who enter the employment of the Corporation after the date of the passing of the Act confirming this Order shall contribute to the superannuation fund as follows:—

| <i>Class of employee</i> | <i>Percentage of remuneration</i> |
|--------------------------|-----------------------------------|
|--------------------------|-----------------------------------|

| | |
|--|---|
| Officers, other than officers to whom section 6 (1) (a) (i) of the Act of 1937, or section 6 (1) (a) (i) of the Local Government Superannuation Act, 1937 (each of which provisions relates to officers who are designated employees as defined by those Acts), applies | 6 |
| Officers to whom section 6 (1) (a) (i) of the Act of 1937, or section 6 (1) (a) (i) of the Local Government Superannuation Act, 1937, applies | 5 |
| Servants | 5 |

1937, c. 68.

(2) An officer or servant who:—

- (a) has attained such an age that he cannot, under the provisions of the superannuation scheme relating to qualifying periods of service and the age of compulsory retirement, become entitled to a superannuation allowance or a retirement pension; or
- (b) has attained the age of seventy years; or
- (c) being a female nurse, midwife or health visitor or a female member of the staff of a children's home or hostel to whom article 25 of the scheme of 1955 applies, has attained the age of sixty-five years; or
- (d) has completed not less than forty-five years' service and attained the age of not less than sixty-five years;

shall not contribute to the superannuation fund.

(3) The Corporation may deduct from the remuneration payable by them to officers and servants the contributions payable by such officers and servants to the superannuation fund.

PART XXXIV
—cont.

548. In calculating the amount of the contribution of any officer or servant to the superannuation fund a fraction of one penny amounting to one half-penny or less shall be disregarded and a fraction of one penny exceeding one half-penny shall be reckoned as one penny.

Calculation of fractions in determining superannuation contributions.

549.—(1) (a) If an officer or servant is temporarily unable to perform his duties through sickness or disablement or any other cause and during such period, or part thereof, does not receive any remuneration, or receives remuneration at a reduced rate, the Corporation shall, unless otherwise requested by such officer or servant, treat such period as continuous service for the purposes of the superannuation scheme and the contributions to the superannuation fund of such officer or servant and of the Corporation shall be calculated and paid as if such officer or servant had received his normal remuneration during such period, and the amount of any superannuation benefits shall be calculated accordingly.

Provisions with respect to reduction, etc., of remuneration.

(b) If an officer or servant to whom the preceding paragraph applies so requests, his contributions to the superannuation fund shall be suspended during such period and that period shall not be reckoned as service for the purposes of the superannuation scheme.

(2) If the remuneration of an officer or servant over fifty-five years of age is reduced otherwise than in consequence of:—

(a) the misconduct of such officer or servant; or

(b) a general revision of rates of remuneration;

such officer or servant may, in his option, contribute to the superannuation fund on the basis of the amount of his remuneration prior to such reduction, and the amount of any superannuation benefits shall be calculated accordingly.

(3) If an officer or servant is temporarily employed on work other than that in respect of which his normal remuneration is applicable, and his remuneration for such temporary work is different from his normal remuneration, his contribution to the superannuation fund and the amount of any superannuation benefits shall be calculated on the basis of his normal remuneration.

550. The Corporation shall contribute to the superannuation fund in each financial year a sum equal to the sum which has been contributed to the fund by the officers and servants during such financial year.

Equivalent contribution.

Reckoning of service

551. Where a person who becomes a contributor to the superannuation scheme was employed by the Corporation in a temporary capacity immediately before becoming such a contributor, the Corporation may, if application for the purpose is made by such

Reckoning of temporary service for superannuation purposes.

PART XXXIV —*cont.* person within six months of his becoming a contributor to the superannuation scheme, and on such terms and conditions as they think fit, resolve that the whole or any part of the service of such person in a temporary capacity shall be reckoned as contributing service for the purposes of the superannuation scheme.

Non-contributing service of transferred officers and servants to be reckoned as contributing service.

552. In calculating the amount of the superannuation benefit payable to or in respect of a transferred officer or servant non-contributing service with a transferred authority shall continue to be reckoned as contributing service and, notwithstanding anything in any enactment, the whole amount of any superannuation benefit payable to or in respect of any transferred officer or servant shall be paid out of the superannuation fund.

Reckoning service for part of a year.

553. In reckoning the service of an officer or servant for the purpose of calculating any superannuation benefit, any part of a year during which such officer or servant has served for more than six months shall be reckoned as a year.

Superannuation allowances to, and annuities for widows of, opting employees

Superannuation allowances to opting employees.

554.—(1) An opting employee shall be entitled, on ceasing to be employed by the Corporation, to receive an annual superannuation allowance if he has completed ten years' aggregate service and:—

(a) is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body; or

(b) has attained the age of sixty years.

(2) (a) The superannuation allowance to be made to any such opting employee shall, subject to the provisions of the superannuation scheme, be one-sixtieth of the average amount of his remuneration in respect of each completed year of aggregate service not exceeding forty-five years, so however that any number of years by which his aggregate service before attaining the age of sixty years exceeds forty years shall be disregarded.

(b) For the purposes of this subsection the average amount of remuneration of an opting employee shall be calculated by reference to the five years ending on the day on which he ceased to be employed.

(3) Any opting employee being a female nurse or health visitor shall be entitled, on ceasing to be employed by the Corporation, to receive a superannuation allowance according to the scale provided in the preceding subsection if she has completed thirty years' service and has attained the age of fifty-five years.

Annuities for widows of opting employees.

555.—(1) If, within three months before becoming entitled to a superannuation allowance, an opting employee has given notice to the town clerk requiring that the provisions of this section shall apply to him and to his wife at the date on which he becomes entitled to a

superannuation allowance, then, if the Corporation are satisfied that the state of health of such person is reasonably satisfactory having regard to his age, the following provisions shall have effect:—

(a) the amount of the superannuation allowance payable to such employee (in this section referred to as “the retired employee”) shall be reduced by 11 per cent. and, if his wife is younger, shall be further reduced by the percentage specified in, or certified in pursuance of, the second column of the following table applicable to the difference of age between the retired employee and his wife specified in the first column of that table:—

| 1 | 2 |
|------------------------------|--|
| Less than 1 year | 1 per cent. |
| 1 year and less than 2 years | 2 „ „ |
| 2 years „ „ 3 „ | 3 „ „ |
| 3 „ „ „ 4 „ | 3 $\frac{3}{4}$ „ „ |
| 4 „ „ „ 5 „ | 4 $\frac{1}{2}$ „ „ |
| 5 „ „ „ 6 „ | 5 $\frac{1}{4}$ „ „ |
| 6 „ „ „ 7 „ | 6 „ „ |
| 7 „ „ „ 8 „ | 6 $\frac{3}{4}$ „ „ |
| 8 „ „ „ 9 „ | 7 $\frac{1}{2}$ „ „ |
| 9 „ „ „ 10 „ | 8 $\frac{1}{4}$ „ „ |
| 10 „ „ „ 11 „ | 9 „ „ |
| More than 11 years | An amount certified by an actuary as being just. |

and

(b) if the wife of the retired employee in respect of whom the notice was given survives him and does not cease before the date of his death to be his wife, she shall be entitled after his death to receive for life out of the superannuation fund an annuity equal to one-third of the annual amount of his superannuation allowance calculated as if it had not been reduced as aforesaid.

(2) The preceding subsection shall not apply in relation to an officer or servant who has not attained the age of sixty years when he ceases to hold his office or employment.

Return of contributions and forfeiture of claim to superannuation benefits

556. Subject to the provisions of this Part of this Order, an officer or servant who, before becoming entitled to a superannuation benefit, resigns, or is dismissed, or in any way ceases to be employed by the Corporation (other than in consequence of an offence of a fraudulent character or grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment), shall be entitled to receive out of the superannuation fund a sum equal to the amount of his own contributions to the superannuation fund, but without interest thereon:

Return of contributions without interest in certain cases

PART XXXIV
—cont.

Provided that, if he is re-appointed an officer or servant, his aggregate service previous to his ceasing to be employed by the Corporation shall not be reckoned as service for the purposes of the superannuation scheme unless within three months of such re-appointment he repays to the superannuation fund the amount so received, with compound interest thereon accumulating at the rate of $3\frac{1}{2}$ per cent. per annum, with half-yearly rests, from the date when the return to him of such contributions was made and, if a period exceeding twelve months has elapsed he shall, for the purpose of his rate of contribution to the superannuation fund, be deemed to be a new entrant.

Return of contributions with interest in certain cases.

1937, c. 68.

557. (a) Every transferred officer or servant; and

(b) any officer or servant to whom section 6 (1) (a) (i) of the Act of 1937, or section 6 (1) (a) (i) of the Local Government Superannuation Act, 1937, applies;

who, before becoming entitled to a superannuation benefit, ceases to be employed by the Corporation for any reason other than his voluntary resignation, or his resignation or dismissal in consequence of an offence of a fraudulent character, or in consequence of misconduct or inefficiency, shall be entitled to receive out of the superannuation fund a sum equal to the amount of his own contributions to the superannuation fund together with compound interest thereon, calculated to the date on which he ceased to hold his employment at the rate of 3 per cent. per annum with half-yearly rests, and the proviso to the preceding section shall, with any necessary adaptations, apply to such officer or servant.

Return of contributions on death of opting employees.

558.—(1) If an opting employee dies before becoming entitled to, or receiving, a superannuation allowance the Corporation shall pay to his legal personal representatives out of the superannuation fund a sum equal to the amount of the contributions of such officer or servant to the superannuation fund, but without interest thereon.

(2) If an opting employee (other than an opting employee to whom the provisions of section 555 (Annuities for widows of opting employees) of this Order have been applied) dies before he has received by way of superannuation allowance an amount in the aggregate equal to the amount of his own contributions, but without interest thereon, the Corporation shall pay to his legal personal representatives out of the superannuation fund the difference between the amount which such officer or servant has received by way of superannuation benefit and the sum to which such contributions amounted at the date of his retirement:

Provided that where, in the case of an opting employee to whom the provisions of section 555 (Annuities for widows of opting employees) of this Order have been applied, the total amount paid to such opting employee by way of superannuation allowance and to his widow by way of annuity is less than the amount of the contributions of such opting employee to the superannuation fund the Corporation may pay or apply the whole or any part of the balance to or for the benefit of the family of such opting employee.

559. An officer or servant who is dismissed or resigns or otherwise ceases to be employed by the Corporation in consequence of an offence of a fraudulent character or grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment shall forfeit all claim to any superannuation benefit:

PART XXXIV
—cont.

Forfeiture of claim to superannuation benefits in certain cases.

Provided that the Corporation may:—

- (a) return to such officer or servant out of the superannuation fund a sum equal to the amount of his own contributions to the superannuation fund, but without interest thereon, or such part of such contributions as the Corporation think fit; or
- (b) pay such sum or such part thereof to the wife or family of such officer or servant; or
- (c) in the case of any such officer or servant who has completed ten years' aggregate service and has attained the age of sixty years, grant to such officer or servant a retirement pension and a retirement grant or, in the case of an officer or servant who exercised the option to retain existing rights conferred by article 26 of the scheme of 1955 and who continued to be a contributor to the superannuation fund without a disqualifying break of service until his dismissal or resignation or otherwise ceasing to hold his employment, a superannuation allowance, not exceeding the respective amounts to which he would have been entitled if he had been qualified for a retirement pension and a retirement grant or superannuation allowance, as the case may be, at the date he was dismissed or resigned or otherwise ceased to hold his employment.

560. For the purposes of the provisions of this Part of this Order relating to the return of contributions and forfeiture of claim to superannuation benefits the amount of the contributions of an officer or servant to the superannuation fund shall be deemed to include any contributions, or additional contributory payments, paid by him to any superannuation fund established under any enactment and which were transferred or repaid to the Corporation on such officer or servant entering their service.

General provision with respect to return of contributions.

General

561.—(1) Every officer and servant shall cease to hold his employment on attaining the age of sixty-five years:

Age of compulsory retirement of officers and servants.

Provided that the Corporation may, with the consent of any such officer or servant, extend his service for one year or any less period and so from time to time, as they consider expedient.

(2) The Corporation may require any female nurse or health visitor who has completed thirty years' service and has attained the age of fifty-five years to retire if they are satisfied that her retention in the service would not be in the interests of efficiency.

PART XXXIV
—cont.Re-employment
of retired
officers and
servants.

562. The Corporation may, in any case where they consider it expedient in the interests of the public service to do so, re-employ any officer or servant who retired after attaining the age of sixty years and is in receipt of a superannuation allowance or a retirement pension, and the following provisions shall have effect in relation to such officer or servant unless otherwise determined by the Corporation:—

- (a) payment of the superannuation allowance or retirement pension of such officer or servant shall be suspended while he is so re-employed if his remuneration is equal to, or in excess of, the amount of such superannuation allowance or retirement pension, but if it is not, then only so much of such superannuation allowance or retirement pension as will make up the deficiency shall be paid so long as he is so re-employed; and
- (b) such officer or servant shall not receive by way of superannuation allowance or retirement pension and remuneration an amount in excess of his remuneration at the date of his retiral.

Provisions as
to payment of
superannuation
benefits, etc.

563.—(1) The following provisions shall have effect with respect to superannuation benefits:—

- (a) if the person entitled to a superannuation benefit neglects to maintain any person whom he is liable to maintain, the Corporation may pay or apply the whole, or any part of, the superannuation benefit to or for the benefit of that person:
- (b) if the person entitled to a superannuation benefit appears to the Corporation, after consideration of a report by a registered medical practitioner, to be incapable by reason of mental disorder from acting, they may pay so much of the superannuation benefit as they think fit to the institution or person having the care of the person entitled to such superannuation benefit, but in such case they shall pay any surplus for or towards the maintenance and benefit of any dependants of such person, except so far as any such surplus may be otherwise applied for the benefit of any such person:
- (c) on the death of any person entitled to a superannuation benefit to whom a sum not exceeding £500 is due in respect of such superannuation benefit, confirmation or other proof of the title of the personal representative of the deceased may, if the Corporation so direct, be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Corporation to be beneficially entitled to the personal estate of the deceased or to or among any one or more of those persons, and the Corporation shall be discharged from all liability in respect of any such payment or distribution:
- (d) if the total estate of any person entitled to a superannuation benefit exceeds £500 after deduction of debts and funeral expenses any sums which may, under the preceding paragraph,

be paid or distributed by the Corporation to or among any persons other than the legal personal representatives of the deceased shall, notwithstanding such payment or distribution, be treated for the purposes of estate duty as passing under the will or intestacy of the deceased:

PART XXXIV
—cont.

(e) the Corporation, before paying or distributing any sums due to any persons entitled to a superannuation benefit to or among any persons other than the legal personal representatives of the deceased shall require—

(i) where the total estate of the deceased, including the amount of such sums does not, after deduction of debts and funeral expenses, exceed £500 a declaration to that effect by the person or one of the persons to or among whom the Corporation propose to pay or distribute such sums; and

(ii) where the total estate of the deceased, including the amount of such sums but after deduction of debts and funeral expenses, exceeds £500, the production of a certificate from the Commissioners of Inland Revenue to the effect either that any estate duty payable has been paid, or that no such duty is payable:

(f) any sum payable to a minor may be paid either to the minor or to such person and on such conditions for the benefit of the minor as the Corporation consider expedient: and

(g) the receipt by any person to whom any sum is paid shall be a good discharge for the sum so paid.

(2) The preceding subsection shall, with any necessary adaptations, apply with respect to contributions of officers and servants to the superannuation fund returned under the provisions of the superannuation scheme.

(3) Notwithstanding anything in any enactment the Corporation shall not be required to make any payment by way of superannuation benefit to or for the benefit of any person unless satisfactory proof of the continued existence of such person is given to the Corporation.

564. Section 19 of the Act of 1937 (which provides, *inter alia*, that superannuation benefits shall not be assignable) shall, with any necessary adaptations, continue to apply with respect to superannuation benefits. Superannuation benefits not assignable.

565.—(1) For the purposes of the superannuation scheme the Corporation may require any officer or servant to be examined by a registered medical practitioner engaged by them. Medical examination for superannuation purposes.

(2) Article 8 of the Edinburgh Corporation (Superannuation) Modification Scheme, 1939, shall be read and have effect as if the reference therein to section 67 (Medical examination) of the Edinburgh Corporation Order, 1933, was a reference to this section.

PART XXXIV
—cont.

Proof of birth and of service for superannuation purposes.

Determination of superannuation questions and appeals to the Secretary of State.

566. Every officer or servant shall, upon being required to do so, produce satisfactory evidence to the Corporation of the date of his birth and of his period of service (otherwise than with the Corporation) which may form part of his service for the purposes of the superannuation scheme.

567.—(1) Any question arising between the Corporation and any officer or servant, or the widow, dependants or legal personal representatives of any officer or servant, as to:—

- (a) the percentage of the contribution of such officer or servant; or
- (b) the right to return of the contributions of such officer or servant or as to the amount thereof; or
- (c) the right to, or the amount of, any superannuation benefits;

shall be decided in the first instance by the Corporation and, if any officer or servant or the widow, dependants or legal personal representatives of any officer or servant, as the case may be, is or are dissatisfied with any such decision or with the Corporation's failure to come to a decision, shall be determined by the Secretary or State, whose determination shall be final.

(2) The Secretary of State may, at any stage of the proceedings on the reference to him, and shall, if so directed by the Court of Session, state in the form of a special case for the opinion of the Court of Session any question of law arising in those proceedings.

Saving for existing officers and servants in respect of Part XXXIV.

568. Nothing in this Part of this Order or in section 676 (Repeal of Acts, etc.) of this Order shall affect prejudicially:—

- (a) the rights of any existing officer or servant under the superannuation scheme; or
- (b) the amount of any superannuation benefit payable to or in respect of any officer or servant who had retired before the date of the passing of the Act confirming this Order;

which shall continue as if the Act confirming this Order had not been passed.

PART XXXV

TRUSTS AND ENDOWMENTS

Definitions for Part XXXV.

569. In this Part of this Order:—

“Corstorphine and Cramond endowments” means the funds of the following trusts:—

- | | | |
|--|---|---|
| (i) Sir William Ramsay Watson's bequest (1843) | } | For behoof of persons in poor circumstances in the former parish of Corstorphine; |
| (ii) Sir Alexander Keith's bequest (1822) | | |
| (iii) John Watson of Saughton bequest | } | For behoof of persons in poor circumstances in the former parish of Cramond; |
| (iv) The Tollcross Feuduty fund | | |

“ Leith trusts ” means all trusts vested in the Corporation which were, before 2nd November, 1920, administered by the town council, or by the provost and magistrates, of the then existing burgh of Leith;

PART XXXV
—cont.

“ office-bearers ” means the lord dean of guild, the honorary treasurer and the convener of trades;

“ surplus fire fund ” means the fund raised to relieve the sufferers by the great fire in the city in 1824; and

“ trusts ” includes all mortifications, endowments, trusts, charitable bequests or other grants, however constituted.

570.—(1) Subject to the provisions of this Order, all trusts vested in the Corporation shall continue vested in, and be administered by, them.

Trusts vested in and administered by Corporation.

(2) (a) The functions of the Corporation in connection with the administration of the Leith trusts shall, by virtue of this Order, be delegated to the councillors for the Leith wards.

(b) The Corporation may appoint committees for the administration of all or any of the other trusts vested in them and may refer or delegate to such committees any of their functions in connection with such administration.

571. The Corporation shall continue to appoint from among the councillors for the Leith wards the representatives to be appointed by them on any trust, or on the governing body of any charitable or other institutions on which the town council of the former burgh of Leith was entitled to appoint representatives.

Representation of Corporation on trusts, etc., relating to former burgh of Leith.

572. The Corporation may apply the surplus fire fund:—

Surplus fire fund.

(a) for the relief of any persons suffering serious injury, or of the dependants of persons who have lost their lives or have suffered serious injury, in or in connection with fires within the city; and

(b) for making awards or grants to persons who have rendered meritorious services in connection with fires within the city.

573.—(1) The Corstorphine and Cramond endowments shall be administered for the benefit of persons in poor circumstances in wards XI (Corstorphine) and XII (Murrayfield-Cramond).

Corstorphine and Cramond endowments.

(2) The councillors for wards XI (Corstorphine) and XII (Murrayfield-Cramond) shall be members of the committee of the Corporation dealing with the administration of the Corstorphine and Cramond endowments for the purposes of such administration.

574. Whereas, by his will, dated 27th November, 1916, and registered, along with a relative codicil, dated 9th April, 1919, in the Books of Council and Session on 18th March, 1922, the late William Crambe Reid, 28, Blacket Place, Edinburgh, made the following bequests:—

Crambe Reid bequests.

“ To the Cabmen’s Shelter, Edinburgh One thousand pounds ”;
and

PART XXXV
—cont.

“ For coals and blankets for the Poor in Edinburgh One thousand pounds ”:

And whereas in 1922 responsibility for the administration of both of the said bequests was undertaken by the Corporation:

And whereas the bequest “ For coals and blankets for the Poor in Edinburgh ” has been and is being administered by the Corporation and the annual income from the funds has been and is being applied for behoof of the poor of the city under arrangements made by the Corporation with certain charitable organisations but, while the bequest for “ The Cabmen’s Shelter, Edinburgh ” was applied by the Corporation until 1937 in the maintenance and repair of cabmen’s shelters in the city, the need for cabmen’s shelters then ceased and interest on the said sum of £1,000 has since been accumulated and the funds of the said bequest (including the accumulated interest) now amount to some £1,800:

And whereas it is expedient that provision should be made for the bequest for “ The Cabmen’s Shelter, Edinburgh ” being applied to other charitable purposes:

Be it therefore enacted as follows:—

Notwithstanding anything in the said will of William Crambe Reid the funds of the said bequest “ To the Cabmen’s Shelter, Edinburgh ” shall be transferred to, and form part of, the funds of the bequest “ For coals and blankets for the Poor in Edinburgh ” and the last-mentioned bequest shall continue to be administered by the Corporation in such manner as they think fit for behoof of the poor of the city.

Saving for
Trinity
Hospital and
subsidiary
trusts.

575. Nothing in this Part of this Order shall be in derogation of the schemes of administration of the Trinity Hospital and subsidiary trusts of the Horne Mortification, the Alexander Mortification and the Cranston Bequest approved by the Court of Session.

PART XXXVI

SHERIFF COURT HOUSE

A. *Definitions for Part XXXVI*

Definitions for
Part XXXVI:

576. In this Part of this Order:—

“ burgh ” means the burgh of Musselburgh;

“ clerk ” means the clerk to the commissioners;

“ commissioners ” means the persons holding office as commissioners for the purposes of this Part of this Order and of the Sheriff Court Houses Acts;

“ county council ” means the county council of the county of Midlothian; and “ county councillor ” and “ county clerk ” mean respectively a county councillor of the county of Midlothian and the clerk to the county council;

“ Sheriff Court Houses Acts ” means the Sheriff Court Houses (Scotland) Acts, 1860 to 1884; and

“ town council ” means the town council of the burgh.

B. Constitution, meetings and proceedings of sheriff court house
commissioners

PART XXXVI
—cont.

577.—(1) (a) The commissioners shall consist of thirteen persons, namely:—

Constitution of
sheriff court
house
commissioners.

- (i) the sheriff;
- (ii) the convener of the county of Midlothian and the provost of the burgh;
- (iii) seven members of, and to be appointed by, the Corporation; and
- (iv) three members of, and to be appointed by, the county council.

(b) The sheriff shall be chairman of the commissioners.

(c) The commissioners shall annually appoint one of their members to be vice-chairman of the commissioners.

(2) (a) The commissioners to be appointed by the Corporation shall be appointed annually at the statutory meeting of the Corporation, or at any adjournment thereof, and shall hold office until the next statutory meeting of the Corporation.

(b) The commissioners to be appointed by the county council shall be appointed triennially at the first meeting of the county council held after the election of county councillors, or at any adjournment thereof, and shall hold office until the first meeting of the county council held after the next ensuing election of county councillors.

(3) Any appointed commissioners ceasing to hold office shall, if qualified, be eligible for re-appointment.

578.—(1) The commissioners shall continue to be a body corporate by the name of the “ Edinburgh Sheriff Court House Commissioners ” with perpetual succession and a common seal, and shall sue and be sued in their corporate name.

Sheriff court
house
commissioners
to be a body
corporate and
a joint board.

(2) The commissioners shall continue to be a joint board within the meaning and for the purposes of the Act of 1947 and of Part VI of the Act of 1948 (which relates to allowances to members of local authorities and other bodies).

579.—(1) Any commissioner appointed by the Corporation or by the county council may at any time resign the office of commissioner by a notice signed by him and delivered to the clerk, and the resignation shall take effect upon the expiration of three weeks after the date of delivery of the notice or upon such earlier date, if any, as may be stated in the notice.

Resignation
of sheriff court
house
commissioners.

(2) Where any commissioner resigning his office is a commissioner appointed by the county council the clerk shall forthwith notify the county clerk of the resignation of such commissioner.

580. A casual vacancy among the commissioners appointed by the Corporation or by the county council shall be filled by the Corporation or by the county council, as the case may be, as soon as may be after the occurrence of such vacancy.

Filling of casual
vacancies
among sheriff
court house
commissioners.

PART XXXVI
—cont.Execution of
deeds by
sheriff court
house
commissioners.Proceedings of
sheriff court
house
commissioners.

581. Any deed to which the commissioners are a party shall be validly executed on their behalf if it is signed by two commissioners and the clerk, with or without the common seal being affixed, or the signatures being attested by witnesses.

582.—(1) (a) At all meetings of the commissioners the chairman, if present, shall preside.

(b) In the absence of the chairman from any meeting the vice-chairman shall preside, and in the absence of the chairman and vice-chairman the commissioners present shall appoint a chairman of such meeting from their own number.

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

(3) The commissioners may make standing orders for the regulation of their business.

(4) Paragraphs 1, 2, 3, 4, 5, 6 and 8 of Part IV of the Third Schedule to the Act of 1947 (which schedule relates to meetings and proceedings of local authorities) shall, with any necessary adaptations, and subject to the provisions of this Part of this Order, extend and apply with respect to the commissioners and to any sub-committee of the commissioners as if the commissioners were a local authority and as if the clerk was the clerk to the local authority:

Provided that any omission to send notice to any commissioner shall not affect the validity of a meeting.

Application of
section 337 of
Act of 1947 to
sheriff court
house
commissioners.

583. Section 337 of the Act of 1947 (which relates to the protection of members and officers of local authorities in relation to obligations, etc.) shall, with any necessary adaptations, extend and apply with respect to the commissioners and to the officers of the commissioners.

Officers of
sheriff court
house
commissioners.

584.—(1) The town clerk shall be clerk to the commissioners and the city chamberlain shall be the financial officer of the commissioners.

(2) Any person holding office as a depute town clerk or a depute city chamberlain shall be a depute clerk to the commissioners or a depute financial officer of the commissioners, as the case may be, and all things required or authorised by law to be done by or to the clerk or the financial officer respectively may be done by or to any such depute.

(3) The commissioners may appoint such other officers and servants as they consider necessary for the efficient discharge of their functions.

Alteration of
constitution of
sheriff court
house
commissioners.

585.—(1) The Secretary of State may from time to time, after consultation with the sheriff, the Corporation, the county council and the town council, by order alter the constitution of the commissioners in such manner as he considers expedient, and any such order may make all such amendments of the provisions of this Part of this Order relative to the constitution and appointment of the commissioners as may be necessary or desirable.

(2) The power to make orders conferred on the Secretary of State by this section shall be exercisable by statutory instrument, and no such order shall be made unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

PART XXXVI
—cont.

(3) Any such order may be amended or revoked by a subsequent order made in like manner and subject to the like conditions.

(4) An order made under this section shall not affect the status of the commissioners as a joint board.

586.—(1) The clerk shall send to the town clerk, the county clerk, and the town clerk of the burgh a copy of—

(a) minutes of all meetings of the commissioners and sub-committees of the commissioners;

(b) the final estimates of the commissioners; and

(c) the abstract of the accounts of the commissioners, duly audited.

Minutes, accounts, etc., of sheriff court house commissioners to be supplied to town clerks and to county clerk.

(2) The copies of such minutes and final estimates shall be sent as nearly as practicable at the same time as they are sent to the commissioners, and the copies of the abstract of accounts shall be sent as soon as reasonably practicable:

Provided that any omission to send copies of such minutes, final estimates or abstract of accounts shall not affect the validity of any action of the commissioners.

C. Powers and duties of sheriff court house commissioners, and management of sheriff court house

587. Subject to the provisions of this Part of this Order the functions of the Corporation, the county council, and the town council under the Sheriff Court Houses Acts shall continue vested in the commissioners.

Powers and duties of sheriff court house commissioners.

588. The commissioners shall, in relation to the sheriff court house, have all the functions with regard to the provision, management, control, superintendence and disposal of sheriff court houses conferred on commissioners of supply by the Sheriff Court Houses Acts.

Management of sheriff court house.

589.—(1) The commissioners may, with the consent of the Secretary of State, acquire by agreement any land which they require for any purpose connected with the exercise of their functions.

Acquisition and disposal of land by sheriff court house commissioners.

(2) (a) The commissioners may be authorised by the Secretary of State to purchase compulsorily any land which they require for any such purpose.

(b) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

1947, c. 42.

PART XXXVI
—cont.

(c) Nothing in this subsection shall authorise the acquisition of operational land of any statutory undertakers.

(3) The commissioners may, with the consent of the Secretary of State, dispose of any land vested in them which is not required for the exercise of their functions.

Provision of buildings by sheriff court house commissioners.

590. Section 164 of the Act of 1947 (which relates to the erection of buildings, etc. by local authorities) shall, with any necessary adaptations, extend and apply with respect to the commissioners as it applies with respect to local authorities.

Dwelling-houses for employees of sheriff court house commissioners.

591. The commissioners may, with the consent of the Secretary of State, construct or acquire dwellinghouses for any of their employees.

D. Financial provisions

Financial year of sheriff court house commissioners.

592. The financial year of the commissioners shall be the year commencing on 29th May.

Accounts of sheriff court house commissioners.

593. The provisions of Part IX of the Act of 1947 (which relates to the accounts, funds and expenses of local authorities), so far as relating to the accounts of local authorities, shall, with any necessary adaptations, extend and apply with respect to the accounts of the commissioners.

Net expenditure of sheriff court house commissioners to be met by local authorities.

594.—(1) The expenditure of the commissioners in each financial year of the commissioners, so far as not met by government grant and any other income, shall be defrayed by:—

- (i) the Corporation;
- (ii) the county council; and
- (iii) the town council;

according to the product of a rate of one penny in the pound or the standard penny rate product, whichever is the higher, for the city, the county of Midlothian and the burgh respectively for that year, and the commissioners shall issue requisitions in accordance with the provisions of Part XI of the Act of 1947 (which relates to the levy and collection of rates by rating authorities and requisitions for payment by other local authorities) to the Corporation, the county council and the town council for payment of the sums to be paid by each of them respectively in pursuance of this subsection.

(2) In the preceding subsection the expressions “product of a rate of one penny in the pound” and “standard penny rate product” have the meanings assigned to them by section 9 of the Local Government (Financial Provisions) (Scotland) Act, 1963.

1963, c. 12

Certain burghs deemed to be within county of Midlothian for requisition for net expenditure of sheriff court house commissioners.

595. For the purposes of the preceding section the county of Midlothian shall be deemed to include the burghs of Bonnyrigg and Lasswade, Dalkeith, Loanhead and Penicuik, and for the purposes of Part XI of the Act of 1947, payment by the county council of the amount due under a requisition in pursuance of the preceding section

shall be deemed to be expenditure by them on a function within the landward area of the county and within the burghs of Bonnyrigg and Lasswade, Dalkeith, Loanhead and Penicuik.

PART XXXVI
—cont.

596.—(1) (a) The commissioners may borrow temporarily, by way of overdraft or otherwise, any sums they require:—

(i) for defraying current expenditure of an annual nature pending the receipt of revenue in respect of the period of account to which such expenditure is chargeable and taken into account in the estimates made by them for that period; and

(ii) for defraying, pending the raising of money which they have been authorised to raise under the succeeding subsection, expenditure intended to be defrayed out of that money.

Borrowing powers of sheriff court house commissioners.

(b) All sums borrowed under sub-paragraph (i) of the preceding paragraph shall be repaid as nearly as may be at or before the end of the financial year of the commissioners in which such sums were borrowed.

(2) The commissioners may, with the consent of the Secretary of State, borrow money for all or any of the following purposes:—

- (a) the acquisition of land or the construction of buildings;
- (b) the execution of any permanent work, or the doing of any other thing the cost of which ought, in the opinion of the Secretary of State, to be spread over a term of years;
- (c) the repayment of any money borrowed by them under paragraph (a) (ii) of the preceding subsection.

(3) Sections 260 and 296 of the Act of 1947 (which relate to borrowing by local authorities) shall, with any necessary adaptations, apply with respect to any such borrowing.

PART XXXVII

MISCELLANEOUS

Expenditure for miscellaneous purposes

597. The Corporation may pay reasonable subscriptions to the funds of any voluntary organisations established for charitable purposes or rendering other national or public service, not exceeding in any financial year £5,000, or such greater sum as may be allowed by the Secretary of State.

Contributions to charities, etc.

598. The Corporation may pay reasonable expenses:—

- (a) in providing public entertainments on the occasion of, or otherwise in connection with, public ceremony or rejoicing;
- (b) in connection with the reception and entertainment of:—
 - (i) persons paying visits by way of official courtesy to the city (including the provision of suitable gifts on such occasions); and
 - (ii) persons attending conferences in the city;

Expenses of public ceremonies, etc.

PART XXXVII
—cont.

(c) in connection with visits (whether inside or outside the United Kingdom) by way of official courtesy by or on behalf of the Corporation; and

(d) in connection with the conferring of the freedom of the city on any person and in providing suitable addresses and gifts on such occasions.

Power to contribute to Society of High Constables.

599. The Corporation may make contributions to the Society of High Constables of Edinburgh, not exceeding in any financial year £250 or such greater sum as may be allowed by the Secretary of State.

Payment for damage by mobs.

600. The Corporation may defray, in whole or in part, claims in respect of damage sustained in consequence of any riot or tumult.

General improvements

General improvements.

601.—(1) The Corporation may execute works of a permanent character or carry out improvements conducive to the amenity of the city or the promotion of the health, convenience and recreation of the inhabitants, with all proper and convenient accesses thereto and parking places for vehicles and other facilities in connection therewith.

(2) The Corporation may maintain, or contribute towards the maintenance of, land or buildings provided by any person for any of such purposes.

Provision of shelters, waiting rooms, conveniences, etc.

Shelters, waiting rooms, etc., for passengers on public service vehicles and employees.

602.—(1) The Corporation may, on any land vested in them, or in or under any public street, provide shelters or waiting rooms for the accommodation of—

(a) persons intending to travel on the public service vehicles of the Corporation; and

(b) employees of the Corporation.

(2) (a) Where any such shelter or waiting room is in a position obstructing access to any telegraphic line and the Postmaster General notifies the Corporation that he requires to obtain access to that line the Corporation shall:—

(i) remove such shelter or waiting room temporarily for the purpose of affording such access; or

(ii) repay to the Postmaster General the additional expense reasonably incurred by him in obtaining such access consequent on the situation of such shelter or waiting room.

(b) Any dispute arising under this subsection as to whether any such expense has been incurred or as to the amount of such expense shall be settled by arbitration.

Public conveniences.

603.—(1) (a) The Corporation may:—

(i) provide public conveniences on any land vested in them, or in or under any public street; and

(ii) provide, equip and maintain mobile public conveniences.

(b) Nothing in this subsection shall be in derogation of the Public Lavatories (Turnstiles) Act, 1963.

(2) The Corporation may make reasonable charges for the use of any public conveniences other than urinals. PART XXXVII
—cont.

604. The Corporation may provide and maintain weighing machines for weighing persons in any premises vested in or maintained by them and may make reasonable charges for the use of such weighing machines. Personal
weighing
machines.

605. The Corporation may provide parking places for vehicles used by members or employees of the Corporation on any land vested in them, or under any public street, and may execute any works necessary for the purpose. Car parks for
members of
Corporation
and employees.

*Provision and sale of refreshments and excisable liquor
in Corporation premises*

606.—(1) The Corporation may, at or in connection with any lands or premises to which this section applies:— Sale of
refreshments
in Corporation
lands and
premises.

- (a) provide refreshment rooms, and either manage them themselves, or let them to any person; and
- (b) provide and sell refreshments, or enter into any arrangements for the provision and sale of refreshments.

(2) This section applies to:—

- (a) the halls;
- (b) the museums and the Central Library;
- (c) Lauriston Castle;
- (d) the parks;
- (e) the golf courses;
- (f) the baths;
- (g) the laundries; and
- (h) any crematorium provided by the Corporation.

(3) It shall be lawful, notwithstanding anything in this Order, to grant a special permission under section 60 of the Licensing (Scotland) Act, 1959, for an entertainment in any of the premises to which paragraph (2) (a) (d) and (e) of this section applies. 1959, c. 51.

607. Notwithstanding anything in any enactment, the existing Lyceum Theatre and any building erected by the Corporation as a theatre in substitution therefor on the site of, or in the vicinity of the site of, the existing Lyceum Theatre shall, in respect of any period during which there is in force in relation thereto a retailer's on-licence under the Customs and Excise Act, 1952, be deemed, for the purposes of section 126 of the Licensing (Scotland) Act, 1959, as re-enacted by section 7 of the Licensing (Scotland) Act, 1962 (which relates to the extension of permitted hours in the evening in certain licensed premises and clubs), to be premises in relation to which a certificate (other than an off-sale certificate) under the Licensing (Scotland) Acts, 1959 and 1962, is in force. Extension of
permitted hours
for sale of
excisable
liquor in
Lyceum
Theatre.
1952, c. 44.
1962, c. 51.

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Public clocks, etc.

—cont.

Public clocks.

608.—(1) The Corporation may provide and maintain public clocks.

(2) The Corporation may enter into agreements with the owners of any clocks open to public view with respect to the maintenance of such clocks.

Time gun and
time ball.

609. The expenditure of the Corporation in connection with the firing of the time gun at Edinburgh Castle and the dropping of the time ball at Calton Hill shall be paid out of the burgh fund.

*Provisions as to sports and recreation*Competitions,
etc.

610.—(1) The Corporation may organise or conduct any competition in connection with any sport or recreation, either by themselves or in co-operation with any voluntary organisation.

(2) The Corporation may charge entrance fees to any entrants for any such competition.

(3) The Corporation may expend on the provision of trophies and prizes for participants in any such competition a sum not exceeding in any financial year £500 or such greater sum as may be allowed by the Secretary of State.

Yachting
facilities and
facilities for
storage of
boats.

1937, c. 46.

611.—(1) The powers of the Corporation under section 4 of the Physical Training and Recreation Act, 1937 (which relates to the provision by local authorities of, *inter alia*, gymnasiums, playing fields and holiday camps), shall include power to provide yachting facilities, and for that purpose the Corporation may, within the city, or within a reasonable distance of the city, construct and maintain yacht basins, buildings, slipways, jetties, breakwaters, piers, moorings, starting boxes and other works in connection therewith.

(2) The Corporation may provide sheds, yards and other accommodation and facilities for the storage of boats, and may let the same.

*Information centres, advertising, etc.*Information
centres.

612. The powers of the Corporation under section 134 of the Act of 1948 (which empowers local authorities to make arrangements for the public obtaining information concerning services available within their areas) shall extend to any information concerning the city and its neighbourhood.

Advertising on
Corporation
lands, vehicles,
etc.

613. The Corporation may enter into agreements with any person with respect to the display of advertisements on or in any lands, premises or structures vested in or maintained by them, or on or in any of their public service or other vehicles.

*Other miscellaneous provisions*Statues and
monuments.

614. The Corporation may:—

- (a) erect and maintain, or authorise the erection and maintenance of, any statue or monument in any street, public park or other public place; and

(b) remove to another site any statue or monument which has been taken over or is maintained by the Corporation. PART XXXVII
—cont.

615. The Corporation may, for the purposes of any of their undertakings, hold and exercise patent and other rights or licences, but not so as to acquire any exclusive right therein. Acquisition of
patent rights.

616. The Corporation may enter into agreements with any person with respect to the use by such person of any electronic or mechanical computing equipment provided by the Corporation. Agreements as
to use of
electronic, etc.,
equipment.

617.—(1) (a) The Corporation may, by notice, require the owner of any mill lade or dam which in their opinion is dangerous, to fence the same sufficiently, or to repair any fence enclosing any such mill lade or dam. Protection and
acquisition,
etc., of mill
lades, etc.

(b) Any person aggrieved by any requirement of a notice under the preceding paragraph may appeal to the sheriff.

(c) Notwithstanding anything in this subsection, the city engineer may, in case of emergency (of which he shall be the sole judge) erect any fence necessary to enclose any such mill lade or dam or repair any existing fence enclosing any such mill lade or dam.

(2) The Corporation may acquire:—

(a) any mill lade or dam which in their opinion is dangerous;
and

(b) any mill or any part of any mill to which any such mill lade is connected.

618. The putting up by the registrar of a notice of any intended marriage in a conspicuous and accessible place on or near the outer door of any central office in the city for the registration of births, deaths and marriages shall be sufficient compliance with the requirements of section 8 of the Marriage Notice (Scotland) Act, 1878 (which relates to the publication of notices of intended marriages). Publication of
notices of
intended
marriages.
1878 c. 43.

619.—(1) Where the Corporation have served a notice to quit on a tenant of any dwellinghouse to which this section applies the acceptance of rent by the Corporation for a period not exceeding three months from the date of the expiration of the notice to quit shall, notwithstanding any rule of law to the contrary, not be deemed to prejudice any right of the Corporation to the possession of such dwellinghouse. As to notice
to quit
Corporation
dwellinghouses.

(2) This section applies in relation to any dwellinghouse in respect of which the Corporation are required to keep a housing revenue account in pursuance of section 137 of the Housing (Scotland) Act, 1950 (which relates to the keeping of a housing revenue account in respect of certain houses and other subjects). 1950 c. 34.

PART XXXVIII

GENERAL

Notices, etc.

620.—(1) The provisions of sections 347, 349 and 352 of the Act of 1947 (which relate to the authentication of notices, etc., by a local authority, to the service of notices by a local authority or an officer Authentication,
service and
validity of
notices, etc.

PART XXXVIII of a local authority, and to the effect of misnomers, etc., on the validity
 —*cont.* of notices, etc., under the Act), shall apply with respect to the authentication, service and validity of any notice, order, demand, requisition or other such document by the Corporation, or by any authorised officer required or authorised by this Order.

(2) (a) Where under any provision of this Order the Corporation or any authorised officer is required or authorised to serve a notice on the owner or occupier of any lands or premises, such notice shall be deemed to be validly served if it is served on the person appearing from the valuation roll, or otherwise known to the Corporation or to such authorised officer, to be such owner or occupier, as the case may be, or, where more than one person so appears or is otherwise known to be such owner or occupier, as the case may be, on any one of such persons.

(b) A notice on a person so appearing to be owner or occupier, as the case may be, shall be deemed to be validly served if it is addressed to him by his name or, where his name is not stated in the valuation roll, by his description as appearing, and at his address as entered, in the valuation roll.

Power to
cancel notices
and to serve
new notices.

621. The Corporation and any authorised officer may cancel any notice served by the Corporation or by such officer, as the case may be, on any person in pursuance of any provision of this Order, and may serve a new notice on the same person or on any other person.

Authorities of
officers of
Corporation.

622.—(1) Where, by virtue of any enactment any power or duty is required or authorised to be conferred or imposed by the Corporation on, or delegated to, any officer, any resolution of the Corporation or of a committee of the Corporation under any such enactment conferring, imposing or delegating the power or duty may describe the officer by his name or by the designation of the office held by him.

(2) Where any such resolution, whether passed before or after the commencement of this Order, describes an officer by the designation of the office held by him the resolution shall, unless the contrary intention appears, confer or delegate the power, or impose the duty, as the case may be, on the holder of the office for the time being, including any depute.

Evidence of
appointment
or authority
of officers of
Corporation.

623. In any proceedings under any enactment, including this Order, a document purporting to be signed by the town clerk as certifying the appointment of, or any authority given to, an officer of the Corporation shall be conclusive evidence of such appointment or authority in the absence of evidence to the contrary.

Provisions as
to Sunday, etc.

624. Where the day or the last day on which anything is required or permitted to be done by or in pursuance of this Order is a Sunday, Saturday, Christmas Day, New Year's Day, Good Friday, bank holiday or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of such days but, save as aforesaid, in reckoning a number of days for the purposes of this Order such days shall not be excluded.

Appeals to sheriff

PART XXXVIII

—cont.

625.—(1) Where any provision of this Order provides for an appeal to the sheriff against any order, requirement, refusal or other decision of the Corporation, or of any officer of the Corporation (each of which is hereinafter referred to in this section as a “decision”), such appeal shall, subject to the provisions of this Order, be by way of initial writ under the Sheriff Courts Acts and shall be disposed of as a summary application as defined in those Acts.

(2) The period within which such appeal may be brought shall, unless otherwise provided, be fourteen days from the date on which the decision was intimated to such person.

(3) In any case where such an appeal lies the document intimating the decision to the person concerned shall state the right of appeal and the period within which such appeal may be brought.

(4) (a) The sheriff may confirm, vary or set aside the decision appealed against and, subject as hereinafter provided in this section, the Corporation or the officer of the Corporation, as the case may be, shall give effect to the interlocutor of the sheriff, and in particular shall grant any consent or authorisation and make any necessary entry in any register.

(b) If, and in so far as, an appeal is based on the ground of an informality, defect or error in, or in connection with, the decision appealed against, the sheriff shall dismiss the appeal if such informality, defect or error was not material.

(5) (a) If the ground, or one of the grounds, of any decision appealed against is that any premises are not suitable for a particular purpose the sheriff may appoint an architect or surveyor to examine and report to him upon the condition of the premises and their suitability for the purpose, and the report of such architect or surveyor shall be final and conclusive with respect to the matter of the remit.

(b) The expense of any such examination and report shall, in the first instance, be paid by the parties equally and, unless the sheriff otherwise directs, shall be treated as expenses in the cause.

(6) Where any decision against which a right of appeal is conferred by this Order:—

(a) involves the execution of any work, or the taking of any action; or

(b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the decision, or to use any premises for any purpose for which they were lawfully used up to that time;

then, until the time for appealing has expired, or, when an appeal is lodged, until the appeal is disposed of or abandoned:—

(i) proceedings shall not be taken in respect of any failure to execute the work or take the action, and the Corporation shall not execute the work or take the action; and

PART XXXVIII
—cont.

(ii) that person may carry on that business and use those premises for that purpose.

(7) (a) On any appeal under this section the sheriff may, at any stage of the proceedings, and shall, whether before or after the conclusion of the proceedings, at the request of any party to the appeal, state a case for the opinion of the Court of Session on any question of law arising in connection with the appeal.

(b) An appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

Arbitrations

Mode of
reference to
arbitration.

626.—(1) In arbitrations under this Order the reference shall be to a single arbiter to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

(2) (a) If any question of law arises in any arbitration under this Order the arbiter may, at any stage of the proceedings, and shall, whether before or after the conclusion of the proceedings, if so directed by the Court of Session, state a case for the opinion of the Court of Session.

(b) An appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

Applications to sheriff

Summary
applications.

627.—(1) Where any provision of this Order provides for an application to the sheriff, such application shall, subject to the provisions of this Order, proceed by way of initial writ under the Sheriff Courts Acts, and shall be disposed of as a summary application as defined in the said Acts.

(2) The preceding subsection shall not apply in relation to applications to the sheriff under section 93 (Cleansing of filthy or verminous premises) or section 94 (Cleansing of verminous persons and clothing) of this Order.

Applications
for interdict.

628. Applications to the sheriff for interdict under any provision of this Order shall proceed by way of initial writ under the Sheriff Courts Acts and shall proceed in all respects as if they were actions for interdict at common law.

Entry and obstruction

PART XXXVIII
—cont.

629.—(1) Any authorised officer shall, on producing (if required) his authority, have a right at all reasonable hours to enter any premises:—

Power to enter premises.

- (a) for the purpose of ascertaining whether there is, or has been, on or in connection with, the premises any contravention of any provision of this Order or of any byelaws or orders made under this Order, or of any condition subject to which any consent or authorisation has been granted under this Order;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under this Order or any such byelaws or orders;
- (c) for the purpose of taking any action or executing any work authorised or required by this Order, or any such byelaws or orders, to be taken or executed by the Corporation; and
- (d) generally for the purpose of the performance by the Corporation of their functions under this Order and any such byelaws or orders:

Provided that admission to any premises, not being a factory, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) A magistrate or judge of police may, on the application of the city prosecutor, grant warrant to any authorised officer to enter any premises (using force if necessary) on being satisfied:—

- (a) that admission to such premises has been refused, or that refusal is apprehended, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any such purposes.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectually secured against trespassers as he found them.

(4) If any person who is admitted into any premises in compliance with this section or with a warrant issued thereunder, makes use of, or discloses to any person, any information obtained by him there with regard to any manufacturing process or trade secret he shall, unless such use or disclosure was made in the performance of his duty, be guilty of an offence.

PART XXXVIII (5) Every warrant granted under this section shall continue in force for one month or until the purpose for which the entry is necessary has been satisfied, whichever is the shorter.
—*cont.*

(6) The firemaster and any member of the fire brigade authorised to that effect by the firemaster shall be deemed to be an authorised officer for the purposes of this section.

(7) Nothing contained in this section shall empower any authorised officer to enter any premises used only as a private dwelling except for the purposes of the following provisions of this Order:—

Head E (Farmed-out houses) and head F (Verminous persons, and filthy or verminous premises and articles) of Part IX (Public health and sanitation); or

Section 173 (Power to require fire precautions in certain buildings used as places of assembly) or head G (Drainage of buildings) of Part XXI (Sewers and drains).

Penalty for obstructing execution of Order or byelaws, etc.

630. Any person wilfully obstructing any person acting in the execution of this Order, or of any byelaw, order or warrant made or issued thereunder, shall be guilty of an offence.

Byelaws

Byelaws as to management, etc., of certain Corporation lands and premises

631.—(1) The Corporation may make byelaws with respect to the management, control and use of:—

- (a) the halls;
- (b) the libraries, museums, and art galleries;
- (c) Lauriston Castle;
- (d) the parks;
- (e) the golf courses;
- (f) the Scott monument;
- (g) the baths;
- (h) the laundries; and
- (i) the markets.

(2) The Corporation may make byelaws as to the conduct of persons entering or using the public conveniences of the Corporation.

(3) Any byelaws made under paragraphs (a), (b), (d), (e), (g), (h) or (i) of subsection (1) of this section may—

- (a) be made so as to apply only to such lands and premises as may be specified in the byelaws; and
- (b) contain different provisions for different lands or premises, or different classes of lands or premises.

(4) A printed copy or sufficient abstract of any byelaws made under any provision of this section shall, as far as reasonably practicable, be exhibited by the Corporation in or on the lands or premises to which they relate in such characters and in such positions as to be conveniently read by persons resorting thereto.

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—cont.

632. For the purposes of section 301 of the Act of 1947 the confirming authority in relation to byelaws made under this Order shall be the Secretary of State.

Confirming
authority for
byelaws.

Execution of works, etc.

633. Any reference in—

Section 634 (As to notices requiring execution of works, etc.);

Section 635 (In default of owner, etc., Corporation may execute works, etc.);

Section 636 (In default of owner, occupier may execute works, etc.);

Section 637 (Power to require occupier to permit works, etc., to be executed by owner); and

Section 638 (Title of owners to sue for expense of works, etc., executed by them);

Interpretation
for purposes of
provisions
relating to
execution of
works, etc.

of this Order to the execution of works shall, unless the context otherwise requires, be deemed to include a reference to the carrying out of any operations, the taking of any steps or the provision of any equipment, fixture, apparatus or appliance.

634. Any notice authorised or required to be given by the Corporation, the master of works, or any authorised officer, in pursuance of any provision of this Order (however expressed) requiring the execution of any works shall, subject to any other provision of this Order relating to the requirements of any such notice, specify—

As to notices
requiring
execution of
works, etc.

(a) so far as necessary and as is reasonably practicable, the nature of the works to be executed, and, in the case of provision of any equipment, fixture, apparatus or appliance, the details (including siting) thereof; and

(b) the period (which shall be reasonable in relation to the requirements of the notice) within which the works shall be executed.

635.—(1) Where under this Order or any notice given in pursuance of this Order, any work is required to be executed by the owner or occupier of any lands or premises and such owner or occupier fails to execute the work in accordance with such requirements, and where apart from this section no provision is made for the Corporation executing the work, the Corporation may cause the work to be executed and the expense reasonably incurred by them in respect of the execution

In default of
owner, etc.,
Corporation
may execute
works, etc.

PART XXXVIII of the work shall, subject to any other provision of this Order relating to the recovery of any expense incurred by the Corporation under this Order, be recoverable by them from such owner or occupier, as the case may be.

—cont.

(2) (a) Where the Corporation have incurred, in respect of any work executed or caused to be executed by them, any expense which, under this Order, is recoverable by them from the owner or occupier of any lands or premises, such expense, together with interest thereon at the rate of 5 per cent. per annum from the time when it was incurred, shall be recoverable by the Corporation from any of the following persons:—

- (i) the person failing to comply with the notice or order requiring him to execute the work; or
- (ii) the owner or occupier, as the case may be, of such lands or premises at the date when the work was completed; or
- (iii) the owner or occupier, as the case may be, of such lands or premises at the date when a demand for payment of such expense is first made by the Corporation.

(b) Nothing in this subsection shall affect any right of relief competent to any person by whom the amount of such expense is paid, or from whom such expense is recovered by the Corporation, against any other person in respect of the amount of such expense paid by or recovered from him.

(3) Where more than one owner or occupier is liable for any expense to which this section applies, the amount shall be apportioned among them according to the net annual value of their respective lands or premises.

In default of owner, occupier may execute works, etc.

636.—(1) Where default is made by the owner of any lands or premises in the execution of any work required to be executed by him in pursuance of this Order or any notice given in pursuance of this Order, the occupier of such lands or premises may, with the consent of the Corporation, cause such work to be executed, and the expense thereof shall be repaid to such occupier by the owner.

(2) Such occupier may deduct from the rent from time to time becoming due to such owner the amount of such expense, with interest thereon at the rate of 5 per cent. per annum from the time when it was incurred.

Power to require occupier to permit works, etc., to be executed by owner.

637. If the occupier of any lands or premises prevents the owner from executing any work which he is required to execute in pursuance of this Order or any notice given in pursuance of this Order, the sheriff may, on the application of such owner, authorise him, his contractors and workmen to enter such lands or premises for the purpose of executing the work.

Recovery of expenses, etc.

PART XXXVIII
—cont.

638. Where under any provision of this Order (however expressed) any owner who has executed, or paid the expense, or any proportion of the expense, of executing any work, is entitled to recover the expense of the execution of such work, or any proportion thereof, from any other person, such owner shall, notwithstanding anything in any rule of law, have a title to sue such person for recovery of such expense or proportion thereof.

Title of owners to sue for expense of works, etc., executed by them.

639.—(1) Except where otherwise expressly provided in this Order all expenses, damages and debts recoverable under this Order may be sued for and recovered in the same manner as any debt may be sued for and recovered in accordance with the law of Scotland.

Recovery of expenses, etc., under Order.

(2) The Corporation shall not be bound to do diligence for the recovery of any expenses, damages or debts recoverable by them under this Order further or otherwise than as they think fit, having regard to all the circumstances, including the financial circumstances of the person liable therefor and in particular but without prejudice to the generality of the foregoing, they may remit, in whole or in part, payment of any such expenses, damages or debts recoverable by them which does not exceed £10.

640. It shall not be competent for any person, in any proceedings by the Corporation for the recovery of any expense incurred by them under this Order, to raise any question which might have been raised by him on an appeal under this Order.

Questions on which appeals competent not to be raised in proceedings for recovery of expenses.

641. A certificate of the date of completion of any works executed or any operations carried out under this Order by or on behalf of the Corporation signed by an authorised officer shall be conclusive evidence of such date in the absence of evidence to the contrary.

Certificate by authorised officer of date of completion of works, etc., to be conclusive.

642.—(1) Where a claim for recovery of any expense incurred by or on behalf of the Corporation under this Order in relation to any lands or premises is made against a person as being the owner of such lands or premises in respect of which the expense was incurred, and such person proves that he:—

Limitation of obligations of factors, etc.

(a) is receiving the rent of such lands or premises merely as factor, agent, trustee, tutor or curator for some other person (each of whom is hereinafter referred to in this section as a “factor”); and

(b) has not, and, since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to meet the whole claim;

his liability shall be limited to the total amount which he has or has had in his hands as aforesaid, but any unpaid balance of such expense shall be recoverable by the Corporation from the person on whose behalf such factor received the rent.

PART XXXVIII
—cont.

(2) The liability of any such factor for any such expense shall not be affected by reason of the notice requiring the execution of the work in relation to which the expense was incurred, or the demand for payment of the expense, having been served only on the person for whom he acts.

Breaking open streets, etc., for certain purposes of Order

Breaking open streets for purposes of constructing and maintaining public sewers and mill lade pipe and Water of Leith sewers.

643.—(1) For the purposes of the provisions of this Order authorising the Corporation:—

- (a) to lay, construct, inspect, repair, alter, renew and remove public sewers; and
- (b) to inspect, repair, alter, renew and remove the mill lade pipe and the Water of Leith sewers;

the provisions of Part I of the Third Schedule to the Act of 1946 shall be incorporated with this Order, subject, however, to such adaptations as may be necessary to make those provisions applicable to the foregoing purposes as well as to the laying, constructing, inspecting, repairing, altering, renewing and removing of water mains and pipes.

(2) The provisions so incorporated, with any such adaptations, shall apply in relation to:—

- (a) any person who is entitled or authorised to have any private sewer or drain made to communicate with a public sewer; and
- (b) the local authority of any area outwith the city authorised to have any of their sewers made to communicate with a public sewer or with the sewers referred to in section 333 (Definitions for Part XXII) of this Order;

as if, so far as the powers of such person or local authority extend, he or they were the Corporation:

Provided that, in its application to a person entitled or authorised to have a private sewer or drain made to communicate with a public sewer, paragraph 1 of Part I of the Third Schedule to the Act of 1946 shall have effect as if the words “and of any bridge carrying a street and any cellar or vault below any street, and any sewer, drain or tunnel in or under any such roadway or footpath” were omitted.

Breaking open streets for miscellaneous purposes of Order.

644.—(1) The Corporation may, for the purpose of executing any works, or erecting any structure, pole, standard, apparatus or wires in, under, over, across, along or upon any street (not being code-regulated works as defined by the Act of 1950) under any provision of this Order, break open the carriageway and footways of any street, and of any bridge carrying a street, and any cellar under any street, and any sewer, drain or tunnel in or under any such carriageway or footway, and may remove the soil or other materials in or under any such carriageway or footway.

(2) The provisions of Part I of the Third Schedule to the Act of 1946 shall be incorporated with this Order subject to such adaptations as may be necessary to make those provisions applicable to the exercise by the Corporation of their powers under this section. PART XXXVIII
—cont.

(3) (a) If it is necessary, in consequence of the exercise by the Corporation of their powers under any of the provisions referred to in subsection (1) of this section, for the electricity board or the gas board to divert, relay or replace any apparatus, the Corporation shall:—

- (i) give to the electricity board, or the gas board, as the case may be, not less than twenty-eight days' notice of their intention to exercise the said powers, together with a description of the works proposed to be executed; and
- (ii) repay to the electricity board, or the gas board, as the case may be, the expense reasonably incurred by them in diverting, relaying or replacing any apparatus required to be so diverted, relaid or replaced.

(b) Any dispute arising under this subsection between the Corporation and the electricity board or the gas board shall be settled by arbitration.

Supplemental

645. Any power conferred on the Corporation by this Order to construct or provide buildings or other premises for any purpose includes power to:— Interpretation
of "provide"
etc.

- (a) equip them with any furniture, conveniences, apparatus and appliances reasonably necessary to enable them to be used for that purpose;
- (b) maintain such buildings or other premises and the furniture, conveniences, apparatus and appliances therein; and
- (c) alter, reconstruct, improve, enlarge and renew such buildings or other premises.

646.—(1) Any power conferred on the Corporation by any enactment, including this Order, to construct any building, provide any premises, execute any work, carry out any operations or provide any facilities includes power to enter into agreements with any other local authority, or any body or voluntary organisation to which this section applies, with respect to the construction of any such building, the provision of any such premises, the execution of any such work, the carrying out of any such operations or the provision of any such facilities, by such other local authority, body or voluntary organisation on behalf of the Corporation, or by such other local authority, body or voluntary organisation in conjunction with the Corporation. Agreements
with respect
to provision
of buildings,
facilities, etc.

(2) This section applies to—

- (a) any local authority whose area adjoins the city;

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—cont.

- (b) any statutory body or body in receipt of moneys provided by Parliament having functions within the city; or
- (c) any voluntary organisation carrying on activities within the city.

Construction of references to power to enter into agreements.

647. Any provision of this Order empowering the Corporation to enter into agreements includes power to take all necessary steps to carry such agreements into effect.

Construction of references to obligation to maintain premises, works, etc.

648—(1) Where under any provision of this Order any person is required to maintain any premises, works, apparatus or appliances, such person shall:—

- (a) maintain such premises, works or apparatus or appliances in good repair, and in the case of apparatus and appliances, in efficient working order; and
- (b) renew such premises, works, apparatus or appliances when necessary.

(2) Where under any provision of this Order any person is required to maintain any fire-fighting or first-aid appliances such appliances shall, subject to the provisions of this Order, be kept in such a position as to be readily accessible for instant use at all times.

Construction of references to notices by advertisement.

649.—(1) Where under any provision of this Order the Corporation or any officer of the Corporation is required to give any notice by advertisement, such advertisement shall, unless otherwise expressly provided, be inserted in one or more newspapers circulating in the city.

(2) Where any such provision requires notice to be given by advertisement in two successive weeks there shall be an interval of not less than six clear days between each publication.

Construction of references to statutory regulations and orders.

650. Any reference in this Order to any regulations or orders under any enactment shall, unless the context otherwise requires, be deemed to be a reference to any such regulations or orders in force for the time being.

Construction of references to authorisations, etc.

651. Any reference in this Order to an authorisation in force, or to an exemption from a licensing or registration requirement in force, shall, unless the context otherwise requires, be deemed to be a reference to an authorisation, or to such an exemption, as the case may be, in force for the time being.

Certain lands deemed vested in Corporation.

652. For the purposes of any provision of this Order authorising the Corporation to execute any works or construct any buildings any land in which they have obtained sufficient servitude or other rights shall be deemed to be land vested in them.

653. Where any provision of this Order (not being a provision expressly requiring a dispute as to compensation to be referred to arbitration) provides for the payment by the Corporation of compensation to the owners, lessees or occupiers of lands and premises for—

PART XXXVIII
—cont.
Claims for
compensation.

- (a) damage to, or injurious affection of, such lands or premises;
or
- (b) any loss sustained by them in relation to such lands or premises;

in consequence of the exercise by the Corporation of any of their powers under this Order, the provisions of Schedule 10 to this Order shall apply in relation to claims for such compensation.

654. The provisions of this Order specified in the first column of the following table shall, with any necessary adaptations, apply with respect to applications for, and certificates of, registration under any of the provisions of this Order specified in the second column of that table as they apply with respect to applications for licences, and to licences granted, under Part XXIV (General licensing provisions) of this Order:—

Certain
provisions of
Order relative
to licences, etc.,
to apply to
certificates of
registration,
etc.

| 1 | 2 |
|--|---|
| Section 412 (Penalty for false statements in applications for licences); | Section 86 (Hairdressers to be registered); |
| Subsection (3) of section 417 (Fees for licences); | Section 174 (Premises used for storage of paraffin oil to be registered); |
| Section 418 (Registers of applications for licences); | Section 367 (Exemption of premises from requirements of public entertainment licence or byelaws); |
| Section 421 (Licence-holders may surrender licences). | Section 426 (Registration of special hours restaurants) and Section 430 (Temporary exemptions from requirement to register premises as special hours restaurants). |

Consents of Corporation and authorised officers

655.—(1) Where any provision of this Order provides that any work shall not be executed, or any action taken, without the consent of the Corporation or of an authorised officer, such consent may be granted subject to such reasonable conditions as may be prescribed by the Corporation, or such authorised officer, as the case may be.

Consents of
Corporation
and
authorised
officers.

PART XXXVIII (2) Where under any provision of this Order the Corporation or any
—cont. authorised officer—

(a) consents to the execution of any work or the doing of any act; or

(b) grants any authorisation or any exemption from a licensing or registration requirement;

subject to any conditions which they are, or he is, authorised to impose, any breach of any such conditions shall, as regards liability to a penalty and other consequences, be deemed to be equivalent to the execution of the work or the doing of the act without the required consent, or acting without the necessary authorisation, as the case may be.

(3) Any consent of the Corporation or of an authorised officer required in pursuance of any provision of this Order shall be in writing, signed by or on behalf of the town clerk or other authorised officer, and the evidence of an authorised officer that such consent was not granted shall be conclusive evidence of that fact in any proceedings in the absence of evidence to the contrary.

General saving provisions

Powers of
Order to be
cumulative.

656. All powers conferred and duties imposed by this Order shall be deemed to be in addition to, and not in derogation of, any other powers conferred and duties imposed by any enactment, or by common law or custom and, subject to any repeal effected by, or other express provision of, this Order, all such other powers and duties may be exercised and shall be performed in the same manner as if the Act confirming this Order had not been passed.

Crown rights.

657. 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 Her Majesty's Government except to such extent as Her Majesty or such department may agree and, in particular and without prejudice to the generality of the foregoing, 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 Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for
Part II of
Coast
Protection
Act, 1949.
1949, c. 74.

658. Nothing in this Order shall be in derogation of Part II of the Coast Protection Act, 1949 (which requires the consent of the Board of Trade to certain operations and contains other provisions for the safety of navigation).

659.—(1) Where a tidal work constructed by or vested in the Corporation is abandoned, or suffered to fall into decay, the Board of Trade may by notice require the Corporation at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board think proper.

PART XXXVIII
—cont.

Abatement of work abandoned or decayed.

(2) Where a work constructed by or vested in the Corporation and consisting partly of a tidal work and partly of works on or over land above high-water mark is abandoned or suffered to fall into decay and that part of the work on or over land above high-water mark is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days, or such longer period as may be specified in the notice, from the date when a notice under this section is served upon the Corporation they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

660. The provisions of the Planning Acts and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Order.

Saving for town and country planning.

661. Nothing in this Order shall authorise the Corporation or the dean of guild court, or any officer of the Corporation, to require the execution of any works in conflict with, deviation from, or excess of, the provisions of the building standards regulations.

Saving for building standards regulations.

662. A person holding office at the commencement of this Order as:—

Saving for existing members of committees, etc.

- (a) a member of the libraries and museums committee; or
- (b) an appointed member of the dean of guild court; or
- (c) a sheriff court house commissioner appointed by the Corporation or by the county council of Midlothian;

shall be deemed to have been appointed as such member or commissioner under this Order.

663. Nothing in this Order shall, unless otherwise expressly provided, be in derogation of any deed of gift under which any lands and premises, or any articles, objects or works of art are vested in the Corporation.

Saving for deeds of gift.

PART XXXVIII
—cont.

Saving for
licensing of
public
entertainments,
etc.

General
saving for
statutory
undertakers in
relation to
execution of
works under
Order.

664. Nothing in this Order shall affect the operation of any enactment under which a licence is required for a public entertainment or a cinematograph exhibition.

665.—(1) Nothing in this Order shall authorise the Corporation (except in case of emergency) to execute any works in, under, over, across, along or upon any operational land of any statutory undertakers without the consent of the statutory undertakers concerned.

(2) (a) A consent required under the preceding subsection shall not be unreasonably withheld, and any consent granted may be granted subject to such reasonable conditions as may be prescribed by the statutory undertakers concerned.

(b) Any dispute as to—

(i) whether a consent required under the preceding subsection has been unreasonably withheld ; or

(ii) the reasonableness of any conditions subject to which a consent under the preceding subsection has been granted;

shall be settled by arbitration.

Saving for
railways and
waterways
boards and
public service
vehicle
operators in
respect of
certain works.

666. Nothing in the following sections of this Order:—

Section 201 (Guard rails, refuges, etc., in streets);

Section 204 (Pawl posts in streets);

Section 216 (Power to construct pedestrian subways);

Section 272 (Bins for road materials);

Section 602 (Shelters, waiting rooms, etc., for passengers on public service vehicles and employees);

Section 603 (Public conveniences); and

Section 614 (Statues and monuments);

shall empower the Corporation to interfere with, or render less convenient the access to, or exit from, any station or depot of the railways board or of the waterways board or of any operators of public service vehicles without the consent of the railways board, the waterways board or such operators, as the case may be.

As to Granton
Harbour
agreement.

667. The minute of agreement between The Duke of Buccleuch and Queensberry, K.T., and the Corporation, dated 4th and 12th May, 1920, is hereby annulled.

668.—(1) The agreement between the Corporation and the North British Railway Company regarding the Union Canal and its basins in the city, dated 31st October and 1st November, 1912, as set forth in the Fourth Schedule to the Edinburgh Corporation Act, 1913, and the Fifth Schedule to the North British Railway Act, 1913, confirmed by section 91 of the former Act and also by section 42 of the latter Act is hereby annulled.

PART XXXVIII
—cont.
As to Union Canal agreement.
1913, c. lxxiv.
1913, c. lxxxix.

(2) (a) Notwithstanding the annulment of the said agreement:—

(i) the use by the waterways board of the outlets from the Union Canal to the public sewers in Fountainbridge shall continue to be subject to any reasonable conditions which the city engineer may prescribe; and

(ii) the waterways board may continue to maintain the pipes laid by their predecessors from the Union Canal basin to join with the pipes laid from Port Hamilton and Port Hopetoun in connection with the water supplies from the canal.

(b) Any dispute as to the reasonableness of any conditions prescribed by the city engineer under sub-paragraph (i) of the preceding paragraph shall be settled by arbitration.

669. Anything required or authorised by or under this Order to be done by, to or before the Board of Trade may be done by, to or before the President of the board, any Minister of State with duties concerning the affairs of the board, any secretary, under-secretary or assistant secretary of the board or any person authorised in that behalf by the president.

As to exercise of powers by Board of Trade.

Transitional provisions

670. In this Order the expression “under this Order”, and “under the powers of this Order” and any other expression describing any matter or thing by reference to this Order, or to any provision of this Order, shall be construed as including a reference to the repealed Acts, or to the corresponding provisions of the repealed Acts, as the case may be, and any reference to byelaws made under any of the provisions of this Order shall be construed as including a reference to any byelaws made under the corresponding provisions of the repealed Acts and in force for the time being.

References to provisions of Order deemed to include references to corresponding provisions of repealed Acts.

671.—(1) Funds and accounts authorised or required under this Order shall be deemed to be in continuation of the corresponding funds and accounts authorised or required under the repealed Acts.

Funds, accounts, registers, etc., under repealed Acts deemed to be part of corresponding funds, etc., under Order.

(2) Any register or list kept under any of the provisions of the repealed Acts shall be deemed to be part of the register or list, as the case may be, kept under the corresponding provisions of this Order, and, subject to the provisions of this Order, any person who, or any premises, vehicle or boat which is, or are, licensed or registered under any of the provisions of the repealed Acts, shall be deemed to be licensed or registered under the corresponding provisions of this Order.

PART XXXVIII
—cont.

Fares and charges fixed under repealed Acts to continue until new fares and charges fixed.

672. Any fares and charges fixed by the Corporation in pursuance of any provision of the repealed Acts which is re-enacted, with or without modification, in this Order, may continue to be demanded and taken until fares or charges have been fixed under the corresponding provision enacted in this Order.

Consequential provisions

Street playground orders.

673. All orders made by the Corporation under section 32 of the Edinburgh Corporation Order, 1937, shall be deemed to have been made and confirmed under the street playgrounds provisions of Part I of the Act of 1960.

Castle Terrace car park.

674. The parking place for vehicles provided by the Corporation on land formerly part of Castle Terrace Gardens shall be deemed to be an off-street parking place provided by them in pursuance of section 81 of the Act of 1960 (which relates to the provision of parking places by local authorities).

Edinburgh Smokeless Zone Order (No. 1).
1956, c. 52.

675. The Edinburgh Smokeless Zone Order (No. 1), 1955, made by the Corporation on 1st December, 1955, and confirmed by the Secretary of State on 20th August, 1956, shall be deemed to be an order made and confirmed under section 11 of the Clean Air Act, 1956.

Repeals, etc.

Repeal of Acts, etc.

676.—(1) (a) Subject to the provisions of this Order, the Acts, Orders and Scheme specified in Schedule 11 to this Order (so far as not already repealed) are hereby repealed to the extent specified in relation thereto in the third column of that schedule.

1913, c. lxxiv.

(b) The byelaws for regulating street hawking, etc., made by the Corporation on 5th March, 1925, in pursuance of section 97 of the Edinburgh Corporation Act, 1913, and confirmed by the sheriff on 17th January, 1925, are hereby revoked.

(c) The byelaws with respect to nuisances, etc., made by the Corporation on 24th January, 1881, and confirmed by the sheriff on 2nd May, 1882, so far as inconsistent with the provisions of this Order, are hereby revoked.

(2) (a) The repeal of:—

- (i) the Edinburgh Corporation (Superannuation) Modification Scheme, 1939;
- (ii) sections 6 to 16 (inclusive), 18 to 26 (inclusive), 196, 199, 200, 216, 217 and 227 to 232 (inclusive), of, and the Sixth Schedule to, the Edinburgh Corporation Order, 1958;
- (iii) sections 229 to 231 (inclusive) of the Edinburgh Corporation Order, 1961;
- (iv) sections 5 to 18 (inclusive) and 20 to 36 (inclusive) of, and the First and Second Schedules to, the Edinburgh Corporation Order, 1962; and

(v) the City of Edinburgh Wards Orders, 1962, 1963 and 1965; shall take effect on the date of the passing of the Act confirming this Order: PART XXXVIII
—cont.

Provided that the repeal of the Edinburgh Corporation (Superannuation) Modification Scheme, 1939, shall not affect the provisions of articles 10 and 11 of the Edinburgh Corporation Superannuation Modification Scheme, 1955 (which relate to reckoning of previous service) which shall continue in force and have effect to the like extent as they were in force and had effect immediately before the date of the passing of the Act confirming this Order.

(b) The repeal of head D (Financial provisions) of Part XXXVI (Sheriff Court House) of the Edinburgh Corporation Order, 1964, shall take effect on 16th May, 1968.

(3) Notwithstanding anything in this Order the provisions of the Act, Orders and Scheme set forth in Schedule 12 to this Order shall not be repealed, but shall continue in force and have effect for the like purposes and to the like extent as they were in force and had effect immediately before the commencement of this Order, but not further or otherwise.

677.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts:— Saving from
effect of
repeal.

- (a) all existing agreements made by the Corporation or their predecessors under or confirmed by any of the repealed Acts shall, so far as subsisting and in force at the commencement of this Order, continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;
- (b) all acts, works, matters and things done or commenced under the powers of the repealed Acts which were valid and available or in progress at the commencement of this Order, and all existing notices, notices to treat, agreements, awards, contracts, deeds, leases, servitudes, obligations and rights shall continue valid and available for all purposes and for and against all parties and may be continued, enforced and completed as if the Act confirming this Order had not been passed;
- (c) all existing annuities, bonds, mortgages or other securities made, granted, payable or created by the Corporation or their predecessors under any of the repealed Acts shall continue valid and available for all purposes as if the Act confirming this Order had not been passed;
- (d) all actions, arbitrations, submissions and proceedings by, with or against the Corporation or any officer of the Corporation by reason of any matters or things done before the commencement of this Order in execution of, or in relation to, the repealed Acts may be continued, commenced or prosecuted by, with or against the Corporation or such officer as if the Act confirming this Order had not been passed;

PART XXXVIII
—cont.

- (e) all prosecutions in respect of offences against any provision of the repealed Acts initiated before the repeal of such provision may be continued as if the Act confirming this Order had not been passed;
- (f) all existing byelaws, rules, regulations, orders, licences, registrations, consents, sanctions, permissions and approvals and things done in execution of, or in relation to, or granted in pursuance of, the repealed Acts shall continue in force until repealed, altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for the like purposes respectively under the provisions of this Order;
- (g) in the case of a byelaw which has been made before the commencement of this Order but which, by reason of its not having been confirmed or of the time for disallowance not having expired, is not in force at that date the same proceedings may be taken and with the same effect as if the Act confirming this Order had not been passed;
- (h) all sums due to the Corporation at the commencement of this Order under the repealed Acts may be collected and recovered by them as if the Act confirming this Order had not been passed;
- (i) any document relating to any provision of the repealed Acts which is re-enacted, with or without modification, in this Order shall, unless the contrary intention appears, be of full force and effect and shall be deemed to refer to the corresponding provision enacted in this Order and any references in any such document to any such provision of the repealed Acts shall be deemed to be a reference to such corresponding provision;
- (j) the Corporation shall continue to be the highway authority for the section of the Edinburgh-Newcastle-upon-Tyne Trunk Road (A.68) from a point approximately 150 yards northwest of the bridge carrying the said road over Burdiehouse Burn to a point in an easterly direction near its junction with Edmonstone Road (a total length of approximately .98 of a mile); and
- (k) the disposition and assignation by the Corporation, with consent of the trustees of the Royal Victoria Hospital Tuberculosis Trust, in favour of Henry Alexander of the subjects comprising the Polton Farm Colony, dated 1st, 2nd and 5th and recorded G.R.S. (Midlothian) on 30th July, 1948, shall continue valid for all purposes as if the Act confirming this Order had not been passed.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the

1889, c. 63.

Costs of Order.

678. The costs, charges and expenses 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 the burgh fund in such manner as the Corporation may determine.

SCHEDULES

SCHEDULE 1

Section 5.

BOUNDARIES OF THE CITY

Commencing at a point on the boundary of the parish of Dalmeny in the county of West Lothian at low-water mark on the shore of the estuary of the Firth of Forth at or near to the mouth of the river Almond thence proceeding generally in an easterly direction along the said low-water mark to the western boundary of the parish of Inveresk thence proceeding generally in southerly and westerly directions along the western boundary of the last-mentioned parish to the parish of Newton thence proceeding generally in westerly south-westerly and south-easterly directions along the boundary of the last-mentioned parish to the point where the said boundary first meets the boundary of the parish of Dalkeith thence proceeding generally in south-westerly and westerly directions along the boundary of the last-mentioned parish to the parish of Lasswade thence proceeding generally in south-westerly north-westerly and south-westerly directions along the boundary of the last-mentioned parish to the parish of Glencorse thence proceeding generally in a south-westerly direction along the boundary of the last-mentioned parish to the parish of Penicuik thence proceeding generally in a north-westerly direction along the boundary of the last-mentioned parish to the parish of Currie thence proceeding generally in north-westerly and westerly directions along the boundary of the last-mentioned parish to the parish of Ratho thence proceeding generally in westerly and northerly directions along the boundary of the last-mentioned parish to the parish of Kirkliston thence proceeding generally in north-westerly and north-easterly directions along the boundary of the last-mentioned parish to the parish of Dalmeny thence proceeding generally in north-easterly easterly and north-easterly directions along the boundary of the last-mentioned parish to the point of commencement.

Note.—References in the foregoing Schedule to the boundaries of parishes are to the boundaries of those parishes as constituted on 26th March, 1966.

SCHEDULE 2

BOUNDARIES OF WARDS

I. St. Giles Ward

Section 6

A line drawn from a point at the centre of the Regent Bridge south-eastwards along the centre of Calton Road to a point 82 yards from the centre of the said bridge thence continuing south-eastwards in a straight line over the railway to a point in the centre of Jeffrey Street 5 yards east of its junction with Chalmers Close thence eastwards south-eastwards and southwards along the centre of Jeffrey Street St. Mary's Street and Pleasance to East Adam Street thence south-westwards along the centre of East Adam Street and West Adam Street to Richmond Place thence south-eastwards along the centre of Richmond Place to Hill Place thence south-westwards along the centre of Hill Place to Nicolson Street thence north-westwards along the

SCH. 2
—cont.

centre of Nicolson Street to the north section of Nicolson Square thence south-westwards along the centre of the north and west sections of Nicolson Square and Marshall Street to Bristo Street thence north-westwards along the centre of Bristo Street to Teviot Place thence south-westwards along the centre of Teviot Place and Lauriston Place to Earl Grey Street thence north-westwards along the centre of Earl Grey Street to Fountainbridge thence south-westwards along the centre of Fountainbridge to a point opposite the centre of the access to the canal basin thence southwards in a straight line (except where it deviates round the west side of the building at or near the north end of the canal basin) to the centre of the north end of the canal basin thence south-westwards along the centre of the canal basin and the canal to Walker Bridge thence north-westwards along the centre of Yeaman Place to Dundee Street thence north-eastwards along the centre of Dundee Street to West Fountain Place thence north-westwards along the centre of West Fountain Place and Telfer Subway to the railway thence north-eastwards along the centre of the said railway to the bridge over the said railway at Grove Street thence north-westwards along the centre of Grove Street to Morrison Street thence westwards along the centre of Morrison Street to West Maitland Street thence north-eastwards along the centre of West Maitland Street Shandwick Place Princes Street and Waterloo Place to the point first mentioned.

II. Holyrood Ward

A line drawn from a point at the centre of the bridge over the railway at Marionville Road south-eastwards in a straight line (except where it deviates round the back of the pavilion at the east end of the New Meadowbank Sports Ground) to the junction of London Road and Meadowbank Terrace thence south-westwards along the centre of Meadowbank Terrace to the east end of Dukes Walk thence south-eastwards and southwards along the centre of the boundary wall of Holyrood Park to the north side of Duddingston Loch thence eastwards southwards and south-westwards along the north east and south sides of Duddingston Loch to a point where the said south side meets the prolongation north-westward of the centre of Duddingston Road West thence south-eastwards to and along the centre of Duddingston Road West to the bridge over the Braid Burn thence upstream along the centre of the Braid Burn to the St. Leonard's branch railway thence north-westwards along the centre of the said branch railway for 883 yards thence westwards and north-westwards along the centre of the boundary wall of Holyrood Park for 1,610 yards to St. Leonard's Lane thence south-westwards along the centre of St. Leonard's Lane to St. Leonard's Street thence southwards along the centre of St. Leonard's Street to Montague Street thence south-westwards along the centre of Montague Street to Clerk Street thence north-westwards along the centre of Clerk Street and Nicolson Street to Hill Place thence north-eastwards along the centre of Hill Place to Richmond Place thence north-westwards along the centre of Richmond Place to West Adam Street thence north-eastwards along the centre of West Adam Street and East Adam Street to Pleasance thence northwards north-westwards and westwards along the centre of Pleasance St. Mary's Street and Jeffrey Street to a point 5 yards east of the junction

of Jeffrey Street with Chalmers Close thence north-westwards in a straight line over the railway to a point in the centre of Calton Road 82 yards south-eastwards of the centre of Regent Bridge thence eastwards along the centre of Calton Road to Abbeyhill thence north-eastwards along the centre of Abbeyhill to the railway bridge spanning Abbeyhill at Rose Lane thence north-eastwards to and along the centre of the Leith Central branch railway to the bridge carrying the said railway over the Leith and Granton branch railway thence south-eastwards along the centre of the said Leith and Granton branch railway to the point first mentioned.

SCH. 2
—cont.

III. George Square Ward

A line drawn from a point in Nicolson Street at the north section of Nicolson Square south-eastwards along the centre of Nicolson Street Clerk Street and South Clerk Street to Hope Park Terrace thence south-westwards westwards and north-westwards along the centre of Hope Park Terrace and Melville Drive to Meadow Place thence south-westwards along the centre of Meadow Place to Marchmont Road thence southwards along the centre of Marchmont Road to Warrender Park Road thence westwards and south-westwards along the centre of Warrender Park Road to Whitehouse Loan thence south-eastwards along the centre of Whitehouse Loan to the southern boundary of Bruntsfield Links thence westwards and north-westwards along the said boundary to Bruntsfield Place thence south-westwards along the centre of Bruntsfield Place to Montpelier Park thence north-westwards along the centre of Montpelier Park to Montpelier Terrace thence north-eastwards along the centre of Montpelier Terrace to Viewforth Terrace thence north-westwards along the centre of Viewforth Terrace to Gilmore Place thence north-eastwards along the centre of Gilmore Place to Viewforth thence north-westwards along the centre of Viewforth to Viewforth Bridge thence north-eastwards along the centre of the canal and the canal basin to the centre of the north end of the canal basin thence northwards in a straight line (except where it deviates round the west side of the building at or near the north end of the canal basin) to the centre of Fountainbridge at a point opposite the centre of the access to the canal basin thence north-eastwards along the centre of Fountainbridge to Earl Grey Street thence south-eastwards along the centre of Earl Grey Street to Lauriston Place thence north-eastwards along the centre of Lauriston Place and Teviot Place to Bristo Street thence south-eastwards along the centre of Bristo Street to Marshall Street thence north-eastwards along the centre of Marshall Street and the west and north sections of Nicolson Square to the point first mentioned.

IV. Newington Ward

A line drawn from a point at the boundary of Holyrood Park at St. Leonard's Lane south-eastwards and eastwards along the centre of the boundary wall of Holyrood Park for 1,610 yards thence south-eastwards along the centre of the St. Leonard's branch railway for 883 yards to the Braid Burn thence upstream along the centre of the Braid Burn to the bridge over the said burn at Peffermill Road thence north-westwards and south-westwards along the centre of Peffermill Road to Dalkeith Road thence north-westwards along the centre of Dalkeith Road to Lady Road thence south-westwards along the

SCH. 2
—cont.

centre of Lady Road to Gordon Terrace thence southwards along the centre of Gordon Terrace to Esslemont Road thence south-westwards along the centre of Esslemont Road to West Mains Road thence westwards along the centre of West Mains Road to Blackford Avenue thence north-westwards westwards and north-westwards along the centre of Blackford Avenue to Grange Loan thence westwards along the centre of Grange Loan to Kilgraston Road thence north-westwards along the centre of Kilgraston Road to Beaufort Road thence north-eastwards along the centre of Beaufort Road to Chalmers Crescent thence northwards along the centre of Chalmers Crescent and Argyle Place to Melville Drive thence eastwards and north-eastwards along the centre of Melville Drive and Hope Park Terrace to South Clerk Street thence north-westwards along the centre of South Clerk Street to Montague Street thence north-eastwards along the centre of Montague Street to St. Leonard's Street thence northwards along the centre of St. Leonard's Street to St. Leonard's Lane thence north-eastwards along the centre of St. Leonard's Lane to the point first mentioned.

V. Liberton Ward

A line drawn from a point at the centre of Dalkeith Road at Lady Road south-eastwards and eastwards along the centre of Dalkeith Road and Old Dalkeith Road to a point on the city boundary where the city boundary crosses that road thence southwards following the city boundary for 34 yards to a point 53 yards eastwards from the eastern boundary of "Deerpark" thence generally southwards eastwards south-eastwards south-westwards and north-westwards along the city boundary to the south-east corner of Bog Strip Plantation thence north-westwards and northwards along the eastern side of Bog Strip Plantation to the north-east corner of the said Plantation adjacent to Frogston Road West thence in a straight line north-westwards to a point at the angle of the south boundary wall of the Braid Hills 145 yards north of Elf Loch thence westwards along the centre of the said wall to Braid Road thence southwards along the centre of Braid Road for 35 yards to the wall leading from the Buck Stone thence westwards and north-westwards along the centre line of the said wall (crossing Pentland Terrace and Comiston Springs Avenue where the line of the said wall is broken) and along the southern boundary of Braid Burn Valley Public Park to the Braid Burn thence upstream along the centre of the Braid Burn to a point where the said burn meets the prolongation south-eastwards of the line of the rear fence bounding the properties numbered 142 to 120 Greenbank Road thence north-westwards to and along the line of the said fence to the eastern boundary of the City Hospital thence northwards along the eastern boundary of the City Hospital and Greenlea to Glenlockhart Road thence eastwards along the centre of Glenlockhart Road and Greenbank Drive to Comiston Road thence south-westwards along the centre of Comiston Road to the Braid Burn thence downstream along the centre of the Braid Burn to the rustic bridge over the said burn thence northwards north-westwards north-eastwards and eastwards along the centre of the public path round the south west and north sides of Blackford Hill to the main entrance gateway of the said hill thence northwards along the centre of Oswald Road to the bridge over the Suburban branch railway thence eastwards along the centre of the said branch railway to Blackford Avenue thence south-eastwards

eastwards and south-eastwards along the centre of Blackford Avenue to West Mains Road thence eastwards along the centre of West Mains Road to Esslemont Road thence north-eastwards along the centre of Esslemont Road to Gordon Terrace thence northwards along the centre of Gordon Terrace to Lady Road thence north-eastwards along the centre of Lady Road to the point first mentioned.

SCH. 2
—cont.

VI. Morningside Ward

A line drawn from a point at the centre of Melville Drive at Argyle Place southwards along the centre of Argyle Place and Chalmers Crescent to Beaufort Road thence south-westwards along the centre of Beaufort Road to Kilgraston Road thence south-eastwards along the centre of Kilgraston Road to Grange Loan thence eastwards along the centre of Grange Loan to Blackford Avenue thence south-eastwards along the centre of Blackford Avenue to the bridge over the Suburban branch railway thence westwards along the centre of the said branch railway to the bridge at Oswald Road thence southwards along the centre of Oswald Road to the main entrance gateway of Blackford Hill thence westwards south-westwards south-eastwards and southwards along the centre of the public path round the north west and south sides of Blackford Hill to the rustic bridge over the Braid Burn thence upstream along the centre of the Braid Burn to Comiston Road thence north-eastwards along the centre of Comiston Road to Greenbank Drive thence westwards along the centre of Greenbank Drive and Glenlockhart Road to the eastern boundary of Craiglockhart Golf Course thence generally north-westwards along the said boundary and the eastern boundary of the policy lands of the Royal Edinburgh Hospital (Craighouse) to Craighouse Road thence north-westwards and north-eastwards along the centre of Craighouse Road and Myreside Road to the bridge over the Suburban branch railway thence south-eastwards and eastwards along the centre of the said branch railway for 654 yards thence northwards to the southern boundary of the Royal Edinburgh Hospital (Tipperlinn Road) thence north-eastwards and northwards along the southern and eastern boundaries of the said hospital to a point in prolongation westwards of the centre of Millar Crescent thence eastwards to and along the centre of Millar Crescent to Morningside Road thence northwards and north-eastwards along the centre of Morningside Road and Bruntsfield Place to the southern boundary of Bruntsfield Links thence south-eastwards and eastwards along the said boundary to Whitehouse Loan thence north-westwards along the centre of Whitehouse Loan to Warrender Park Road thence north-eastwards and eastwards along the centre of Warrender Park Road to Marchmont Road thence northwards along the centre of Marchmont Road to Meadow Place thence north-eastwards along the centre of Meadow Place to Melville Drive thence south-eastwards along the centre of Melville Drive to the point first mentioned.

VII. Merchiston Ward

A line drawn from a point at the centre of Bruntsfield Place at Montpelier Park southwards along the centre of Bruntsfield Place and Morningside Road to Millar Crescent thence westwards along the centre of Millar Crescent and prolongation thereof to the eastern

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—cont.

boundary of the Royal Edinburgh Hospital (Tipperlinn Road) thence southwards along the eastern boundary of the said hospital to its southern boundary thence south-westwards along the said southern boundary for 167 yards thence southwards to the Suburban branch railway thence westwards and north-westwards along the centre of the said branch railway for 654 yards to the bridge at Myreside Road thence south-westwards south-eastwards south-westwards and south-eastwards along the centre of Myreside Road Craighouse Road and the eastern boundaries of the policy lands of the Royal Edinburgh Hospital (Craighouse) and of Craiglockhart Golf Course to Glenlockhart Road thence south-westwards westwards and north-westwards along the centre of Glenlockhart Road and Craiglockhart Avenue to Lanark Road thence north-eastwards along the centre of Lanark Road and Slateford Road to the bridge carrying the railway over Slateford Road thence north-eastwards along the centre of the said railway to the bridge carrying Dundee Street over the said railway thence eastwards and north-eastwards along the centre of Dundee Street to Yeaman Place thence south-eastwards along the centre of Yeaman Place to Walker Bridge thence north-eastwards along the centre of the canal to Viewforth Bridge thence south-eastwards along the centre of Viewforth to Gilmore Place thence south-westwards along the centre of Gilmore Place to Viewforth Terrace thence south-eastwards along the centre of Viewforth Terrace to Montpelier Terrace thence south-westwards along the centre of Montpelier Terrace to Montpelier Park thence south-eastwards along the centre of Montpelier Park to the point first mentioned.

VIII. Colinton Ward

A line drawn from a point at the centre of the Murray Burn north of Baberton Quarry and 270 yards in a straight line westwards from the centre of the bridge carrying Wester Hailes Road over the said burn thence downstream along the centre of the said burn to a point where it meets the prolongation north-westwards of the line of the south-west rear fence bounding the properties on the south side of Parkhead Crescent thence south-eastwards and north-eastwards along the line of the said fence and the south-east rear fence bounding the said properties to a point where the prolongation of the said south-east fence meets the centre of the Murray Burn thence downstream along the centre of the said burn to the Water of Leith thence upstream along the centre of the Water of Leith to Lanark Road thence north-eastwards along the centre of Lanark Road to Craiglockhart Avenue thence south-eastwards eastwards and north-eastwards along the centre of Craiglockhart Avenue and Glenlockhart Road to the eastern boundary of Greenlea thence southwards along the eastern boundaries of Greenlea and the City Hospital to the rear fence bounding the properties numbered 120 to 142 Greenbank Road thence south-eastwards along the line of the said fence and prolongation thereof to the Braid Burn thence downstream along the centre of the Braid Burn to the southern boundary of Braidburn Valley Public Park thence south-eastwards and eastwards along the said boundary and the centre line of the wall leading to the Buck Stone (crossing Comiston Springs Avenue and Pentland Terrace where the line of the said wall is broken) to Braid Road thence northwards along the centre of Braid Road for 35 yards thence eastwards along the centre of the south boundary wall of the

Braid Hills to a point at the angle of the said wall 145 yards north of Elf Loch thence south-eastwards in a straight line to the north-east corner of Bog Strip Plantation adjacent to Frogston Road West thence southwards and south-eastwards along the eastern side of Bog Strip Plantation to the Lothian Burn thence generally south-westwards north-westwards and northwards along the city boundary to the north-east corner of the policies of Baberton House thence north-eastwards northwards and north-eastwards along the eastern bank of an open ditch crossing the railway thence generally northwards following the eastern bank of the said ditch to a point on the south side of the service road leading to Baberton Mains 227 yards from the junction of the said service road and Wester Hailes Road thence north-westwards in a straight line for 220 yards along the line of a hedge to the junction of hedges bounding the woodlands and fence on the north-eastern side of the woodlands of Baberton Quarry and prolongation of the said hedge and fence thence north-eastwards for 58 yards crossing the canal to the angle of a hedge thence north-westwards for 106 yards along the line of the said hedge to the point first mentioned.

SCH. 2
—cont.

IX. Sighthill Ward

A line drawn from a point at the centre of the Murray Burn north of Baberton Quarry 270 yards in a straight line westwards from the centre of the bridge carrying Wester Hailes Road over the said burn south-eastwards along the line of a hedge for 106 yards to the angle of the said hedge thence south-westwards for 58 yards crossing the canal to a point on the prolongation north-westwards of the line of a hedge and fence on the north-eastern side of the woodlands of Baberton Quarry thence south-eastwards in a straight line for 220 yards to the south side of the service road leading to Baberton Mains 227 yards from the junction of the said service road and Wester Hailes Road thence south-westwards southwards and south-westwards following the eastern bank of an open ditch crossing the railway and following the eastern side of the said ditch to a point on the city boundary at the north-east corner of the policies of Baberton House thence generally north-westwards following the city boundary to a point thereon on the east side of Redheughs Road 333 yards south-eastwards from the junction of the said road and Glasgow Road thence eastwards south-eastwards and eastwards along the line of a hedge and fence to and along the centre of The Stank to a point on The Stank 173 yards in a straight line westwards from the point where the centre of the Edinburgh and Aberdeen line of the railway crosses The Stank thence southwards in a straight line for 185 yards to a point 273 yards in a straight line south-westwards from the said point where the said line of the railway crosses The Stank thence eastwards in a straight line for 183 yards to a point 190 yards southwards from the said point where the said line of the railway crosses The Stank thence north-eastwards in a straight line for 209 yards to a point on the centre of the said line of the railway 300 yards north-west from the west side of the bridge carrying South Gyle Road over the said line of the railway thence south-eastwards and north-eastwards along the centre of the railway to Balgreen Road thence south-eastwards along the centre of Balgreen Road and Hutchison

SCH. 2
—cont.

Crossway to the railway at a point where it crosses the prolongation of the centre line of Hutchison Crossway thence south-westwards along the centre of the said railway to the bridge carrying the said railway over Slateford Road thence south-westwards along the centre of Slateford Road and Lanark Road to the Water of Leith thence downstream along the centre of the Water of Leith to the Murray Burn thence upstream along the centre of the Murray Burn to a point where the said burn meets the prolongation north-eastwards of the line of the south-east rear fence bounding the properties on the south side of Parkhead Crescent thence south-westwards and north-westwards to and along the line of the said fence and the south-west rear fence bounding the said properties to a point where the prolongation of the said south-west fence meets the centre of the Murray Burn thence upstream along the centre of the Murray Burn to the point first mentioned.

X. Gorgie-Dalry Ward

A line drawn from a point at the centre of Dalry Road at Morrison Street eastwards along the centre of Morrison Street to Grove Street thence south-eastwards along the centre of Grove Street to the bridge over the railway thence south-westwards along the centre of the railway to the Telfer Subway thence south-eastwards along the centre of the Telfer Subway and West Fountain Place to Dundee Street thence south-westwards and westwards along the centre of Dundee Street to the bridge carrying Dundee Street over the railway thence south-westwards along the centre of the railway to a point where it meets the prolongation south-eastwards of the centre line of Hutchison Crossway thence north-westwards to and along the centre of Hutchison Crossway and Balgreen Road to Balgreen Bridge thence downstream along the centre of the Water of Leith to the bridge carrying the railway over the said Water of Leith thence north-eastwards along the centre of the railway to Dalry Road thence north-eastwards along the centre of Dalry Road to the point first mentioned.

XI. Corstorphine Ward

A line drawn from a point at the centre of The Stank at Saughtonhall Drive southwards along the centre of Saughtonhall Drive to Riversdale Road thence eastwards along the centre of Riversdale Road to Saughtonhall Terrace thence south-eastwards along the centre of Saughtonhall Terrace and Baird Grove to Baird Drive thence north-eastwards along the centre of Baird Drive to the Water of Leith thence upstream along the centre of the Water of Leith to Balgreen Bridge thence north-westwards along the centre of Balgreen Road to the railway thence south-westwards and north-westwards along the centre of the said railway and the Edinburgh and Aberdeen line thereof to a point 300 yards north-west from the west side of the bridge carrying South Gyle Road over the said Edinburgh and Aberdeen line thence south-westwards for 209 yards to a point 190 yards southwards from the point where the centre of the said line of the railway crosses The Stank thence westwards in a straight line for 183 yards to a point

273 yards south-westwards from the said point where the said line of the railway crosses The Stank thence northwards for 185 yards to a point on the centre of The Stank 173 yards westwards from the said point where the said line of the railway crosses The Stank thence westwards north-westwards and westwards along the centre line of The Stank and the line of a hedge and fence to a point on the city boundary on the east side of Redheughs Road 333 yards south-eastwards from the junction of the said road and Glasgow Road thence north-westwards and generally south-westwards north-westwards north-eastwards and eastwards along the city boundary to Grotto Bridge thence generally south-eastwards along the centre of the footpath leading directly to Cammo Road thence north-eastwards eastwards southwards and south-eastwards along the centre of Cammo Road to the Bughtlin Burn thence upstream along the centre of the Bughtlin Burn and watercourse to the south-east corner of Fox Covert thence southwards along the centre of a wall to the north-west corner of the grounds of Clermiston House thence north-eastwards along the northern boundary of the grounds of Clermiston House to Clermiston Road thence southwards along the centre of Clermiston Road to the northern boundary of "Hillwood" thence eastwards and south-eastwards along the northern and eastern boundaries of "Hillwood" to the northern boundary of the Scottish Zoological Park thence south-eastwards southwards south-westwards southwards and south-eastwards along the eastern boundary of the Scottish Zoological Park and the western boundary of Scotus Academy to Corstorphine Road thence eastwards along the centre of Corstorphine Road to Traquair Park East thence south-eastwards along the centre of Traquair Park East to the Corstorphine branch railway at Pinkhill Station thence eastwards along the centre of the said branch railway to The Stank thence north-eastwards along the centre of The Stank to the point first mentioned.

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—cont.

XII. Murrayfield-Cramond Ward

A line drawn from a point on the foreshore at low-water mark in prolongation of the eastern boundary of the grounds of the Commodore Hotel south-westwards to the north-east corner of the grounds of the said hotel thence continuing south-westwards along the said eastern boundary of the said grounds and continuing in prolongation thereof to a point at the centre of Marine Drive thence south-eastwards in a straight line to the north-west corner of the shrubbery south of the western extremity of Muirhouse Parkway thence south-eastwards south westwards and south-eastwards along the western boundary of the said shrubbery to the western boundary of Silverknowes Primary School thence continuing south-eastwards along the said western boundary and the western boundary of Muirhouse Public Park to the southern boundary of the said park thence north-eastwards along the said southern boundary to the western boundary of 18 Muirhouse Bank thence south-eastwards and south-westwards along the said western boundary and prolongation thereof to a point at the centre of Ferry Road thence eastwards along the centre of Ferry Road to the access road leading to House O'Hill Road thence south-eastwards along the centre of the said access road to the ground formerly carrying the Barnton branch railway thence south-eastwards

SCH. 2
—cont.

along the centre of the said former branch railway and Granton branch railway to the bridge carrying the railway adjacent to Russell Road thence south-westwards along the centre of the railway to the Water of Leith thence downstream along the centre of the Water of Leith to Baird Drive thence south-westwards along the centre of Baird Drive to Baird Grove thence north-westwards along the centre of Baird Grove and Saughtonhall Terrace to Riversdale Road thence westwards along the centre of Riversdale Road to Saughtonhall Drive thence northwards along the centre of Saughtonhall Drive to The Stank thence south-westwards along the centre of The Stank to the Corstorphine branch railway thence westwards along the centre of the said branch railway to Traquair Park East at Pinkhill Station thence north-westwards along the centre of Traquair Park East to Corstorphine Road thence westwards along the centre of Corstorphine Road to the western boundary of Scotus Academy thence north-westwards northwards north-eastwards northwards and north-westwards along the western boundary of Scotus Academy and the eastern boundary of the Scottish Zoological Park to the eastern boundary of "Hillwood" thence north-westwards and westwards along the eastern and northern boundaries of "Hillwood" to Clermiston Road thence northwards along the centre of Clermiston Road to the northern boundary of the grounds of Clermiston House thence south-westwards along the said northern boundary to the north-west corner of the grounds of Clermiston House thence northwards along the centre of a wall to the watercourse at the south-east corner of Fox Covert thence downstream along the centre of the said watercourse and the Bughtlin Burn to Cammo Road thence north-westwards northwards westwards and south-westwards along the centre of Cammo Road to the footpath leading directly to the city boundary at Grotto Bridge thence generally north-westwards along the centre of the said footpath to the city boundary at the River Almond thence generally north-eastwards along the city boundary to a point at or near the mouth of the River Almond at low-water mark immediately to the north of Cramond Island thence south-eastwards along the line of low-water mark to the point first mentioned.

XIII. Pilton Ward

A line drawn from a point at the northern extremity of the eastern breakwater of Granton Harbour south-eastwards and southwards along the line of low-water mark on the eastern side of the said breakwater to low-water mark on the foreshore thence south-eastwards in a straight line to the junction of Wardie Steps and Lower Granton Road thence south-westwards south-eastwards and southwards along the centre of Wardie Steps and Granton Road to Wardie Crescent thence westwards and south-westwards along the centre of Wardie Crescent to Boswall Parkway thence southwards and westwards along the centre of Boswall Parkway to Boswall Terrace thence generally southwards along the centre of Boswall Terrace and Boswall Avenue to the Leith branch railway thence south-westwards along the centre of the said railway to the western boundary of the Northern General Hospital thence southwards along the said boundary to Ferry Road thence

south-westwards along the centre of Ferry Road to a point in prolongation of the western boundary of 18 Muirhouse Bank thence north-eastwards and north-westwards along the said prolongation and the said western boundary to the southern boundary of Muirhouse Public Park thence south-westwards along the said southern boundary to the western boundary of the said park thence north-westwards along the said western boundary and the western boundary of Silverknowes Primary School to the southmost point on the western boundary of the shrubbery south of the western extremity of Muirhouse Parkway thence north-westwards north-eastwards and north-westwards along the said western boundary to its north-west corner thence north-westwards in a straight line to a point in the centre of Marine Drive in prolongation southwards of the eastern boundary of the grounds of the Commodore Hotel thence north-eastwards along the said eastern boundary and prolongation thereof to a point on the foreshore at low-water mark thence generally eastwards following the city boundary along the line of low-water mark to the point first mentioned.

SCH. 2
—cont.

XIV. St. Bernard's Ward

A line drawn from a point at the centre of Ferry Road at Inverleith Row south-eastwards along the centre of Inverleith Row to Canonmills Bridge thence upstream along the centre of the Water of Leith to Belford Bridge thence eastwards along the centre of Belford Road to Douglas Gardens thence south-eastwards along the centre of Douglas Gardens and Palmerston Place to West Maitland Street thence south-westwards along the centre of West Maitland Street and Dalry Road to the railway thence south-westwards along the centre of the said railway to the bridge adjacent to Russell Road carrying the Granton branch railway thence generally north-westwards along the centre of the Granton branch railway and the former Barnton branch railway to the centre of the access road from House O'Hill Road to Ferry Road thence north-westwards along the centre of the said access road to Ferry Road thence north-eastwards along the centre of Ferry Road to the point first mentioned.

XV. St. Andrew's Ward

A line drawn from a point at the centre of Leith Street at Princes Street south-westwards along the centre of Princes Street Shandwick Place and West Maitland Street to Palmerston Place thence north-westwards along the centre of Palmerston Place and Douglas Gardens to Belford Road thence westwards along the centre of Belford Road to Belford Bridge thence downstream along the centre of the Water of Leith to a point 93 yards south-west from Canonmills Bridge thence southwards to the junction of Glenogle Road and Brandon Terrace thence south-westwards and south-eastwards along the centre of Brandon Terrace Brandon Street Pitt Street and Dundas Street to Abercromby Place thence north-eastwards along the centre of Abercromby Place and Albany Street to Broughton Street thence south-eastwards southwards and south-westwards along the centre of Broughton Street and Leith Street to the point first mentioned.

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—cont.*XVI. Broughton Ward*

A line drawn from a point at the centre of Ferry Road at Newhaven Road south-eastwards along the centre of Newhaven Road and Pilrig Street to Leith Walk thence south-westwards along the centre of Leith Walk to McDonald Road thence north-westwards westwards and south-westwards along the centre of McDonald Road Hope Crescent and East London Street to Broughton Street thence south-eastwards along the centre of Broughton Street to Albany Street thence south-westwards along the centre of Albany Street and Abercromby Place to Dundas Street thence north-westwards and north-eastwards along the centre of Dundas Street Pitt Street Brandon Street and Brandon Terrace to the junction of Brandon Terrace and Glenogle Road thence northwards to a point at the centre of the Water of Leith 93 yards south-west from Canonmills Bridge thence downstream along the centre of the said Water of Leith to Canonmills Bridge thence north-westwards along the centre of Inverleith Row to Ferry Road thence north-eastwards along the centre of Ferry Road to the point first mentioned.

XVII. Calton Ward

A line drawn from a point at the centre of the bridge over the Leith Central branch of the railway at Hawkhill Avenue southwards and south-westwards along the centre of the said branch railway to the bridge spanning Abbeyhill at Rose Lane thence south-westwards along the centre of Abbeyhill to Calton Road thence westwards and north-westwards along the centre of Calton Road to the Regent Bridge thence south-westwards along the centre of Waterloo Place to Leith Street thence north-eastwards northwards and north-westwards along the centre of Leith Street and Broughton Street to East London Street thence north-eastwards eastwards and south-eastwards along the centre of East London Street Hope Crescent and McDonald Road to Leith Walk thence north-eastwards along the centre of Leith Walk to Albert Street thence eastwards along the centre of Albert Street to Easter Road thence southwards along the centre of Easter Road to Albion Road thence north-eastwards along the centre of Albion Road Albion Place and Hawkhill Avenue to the point first mentioned.

XVIII. West Leith Ward

A line drawn from a point midway between the extreme northern ends of the east and west breakwaters south-eastwards to the centre of the channel leading to the outer and inner harbours thence south-eastwards and southwards along the centre of the said channel and the centre of the outer and inner harbours to the bridge linking Commercial Street and Bernard Street thence north-westwards along the centre of Commercial Street and Portland Place to Albany Street thence south-westwards along the centre of Albany Street to North Fort Street thence south-eastwards along the centre of North Fort Street to Ferry Road thence south-westwards along the centre of Ferry Road to the western boundary of the Northern General Hospital thence northwards along the said boundary to the Leith branch

railway thence north-eastwards along the centre of the said branch railway to Boswall Avenue thence generally northwards along the centre of Boswall Avenue and Boswall Terrace to Boswall Parkway thence eastwards and northwards along the centre of Boswall Parkway to Wardie Crescent thence north-eastwards and eastwards along the centre of Wardie Crescent to Granton Road thence northwards north-westwards and north-eastwards along the centre of Granton Road and Wardie Steps to the junction of Wardie Steps and Lower Granton Road thence north-westwards in a straight line to low-water mark on the foreshore at the eastern breakwater of Granton Harbour thence generally eastwards following the city boundary along the line of low-water mark to the northmost point of the west breakwater thence north-eastwards in a straight line to the point first mentioned.

XIX. Central Leith Ward

A line drawn from a point in the centre of the inner harbour opposite the centre line of Tower Street south-eastwards along the centre of Tower Street to Constitution Street thence south-westwards along the centre of Constitution Street and Leith Walk to Pilrig Street thence north-westwards along the centre of Pilrig Street and Newhaven Road to Ferry Road thence north-eastwards along the centre of Ferry Road to North Fort Street thence north-westwards along the centre of North Fort Street to Albany Street thence north-eastwards along the centre of Albany Street to Portland Place thence south-eastwards along the centre of Portland Place and Commercial Street to the bridge linking Commercial Street and Bernard Street thence northwards along the centre of the inner harbour to the point first mentioned.

XX. South Leith Ward

A line drawn from a point on the foreshore at low-water mark where it is met by the prolongation of the centre line of the footbridge over the South Leith branch railway at Seafield Junction south-westwards in a straight line to the said footbridge thence continuing south-westwards for 97 yards to the new Leith Line railway thence south-westwards along the centre of the said new Leith Line railway to the bridge over the Leith Central branch railway thence southwards along the centre of the said Leith Central branch railway to Hawkhill Avenue thence south-westwards along the centre of Hawkhill Avenue Albion Place and Albion Road to Easter Road thence northwards along the centre of Easter Road to Albert Street thence westwards along the centre of Albert Street to Leith Walk thence north-eastwards along the centre of Leith Walk and Constitution Street to Tower Street thence north-westwards along the centre of Tower Street and the prolongation thereof to a point at the centre of the inner harbour thence north-westwards along the centre of the inner and outer harbours to the centre of the channel leading from the inner and outer harbours thence to a point midway between the extreme northern ends of the east and west breakwaters thence north-eastwards to low-water mark at the north-west corner of the east breakwater thence north-eastwards and south-eastwards round the east breakwater and thence generally south-eastwards following the city boundary along the line of low-water mark to the point first mentioned.

SCH. 2
—cont.*XXI. Craigentenny Ward*

A line drawn from a point at low-water mark on the prolongation of the centre line of Fillyside Road south-westwards southwards south-westwards and southwards along the said prolongation and the centre of Fillyside Road and Craigentenny Avenue to the railway thence south-eastwards along the centre of the railway to a point where it meets the prolongation north-eastwards of the centre line of Northfield Farm Avenue from a point in the said avenue 48 yards south-westwards of the junction of the said avenue with Mountcastle Drive North thence south-westwards in a straight line to the junction of Mountcastle Gardens and Mountcastle Drive North thence south-eastwards along the centre of Mountcastle Drive North to Northfield Farm Avenue thence south-westwards along the centre of Northfield Farm Avenue and Northfield Broadway to Willowbrae Road thence north-westwards along the centre of Willowbrae Road to Paisley Drive thence south-westwards along the centre of Paisley Drive and the prolongation thereof in a straight line to the boundary wall of Holyrood Park at a point 407 yards south of the south boundary of the Edinburgh Corporation Water Department service tank thence northwards and north-westwards along the centre of the said boundary wall to the east end of Duke's Walk thence north-eastwards along the centre of Meadowbank Terrace to the junction of Meadowbank Terrace and London Road thence north-westwards in a straight line (except where it deviates round the back of the pavilion at the east end of the New Meadowbank Sports Ground) to the centre of the bridge over the railway at Marionville Road thence north-westwards along the centre of the Leith and Granton branch railway to the bridge carrying the Leith Central branch railway over the said Leith and Granton branch railway thence north-eastwards and northwards along the centre of the said Leith Central branch railway to the bridge carrying the new Leith Line railway over the said Leith Central branch railway thence north-eastwards along the centre of the said new Leith Line railway to a point 97 yards south-west of the footbridge over the South Leith branch railway at Seafeld Junction thence north-eastwards in a straight line to and along the centre line of the said footbridge and prolongation thereof to a point on the foreshore at low-water mark thence south-eastwards following the city boundary along the line of low-water mark to the point first mentioned.

XXII. Portobello Ward

A line drawn from a point on the city boundary on the foreshore at low-water mark north-east of Magdalene Bridge south-westwards along the city boundary to the Brunstane Burn thence upstream along the centre of the said burn to the main east coast railway thence north-westwards along the centre of the said railway to Milton Road East thence south-westwards and north-westwards along the centre of Milton Road East, Milton Road, Duddingston Crescent and Milton Road West to Duddingston Road West thence generally south-westwards along the centre of Duddingston Road West to a point in the centre of the said road 350 yards north-westwards from the centre of the bridge over the Braid Burn at Duddingston Road West thence north-westwards in a straight line along the prolongation

of Duddingston Road West to a point where the said prolongation meets the south side of Duddingston Loch thence north-eastwards northwards and westwards along the south, east and north sides of Duddingston Loch to the boundary wall of Holyrood Park thence northwards along the centre of the said boundary wall to a point 407 yards south of the south boundary of the Edinburgh Corporation Water Department service tank thence north-eastwards in a straight line along the prolongation south-westwards of Paisley Drive to Paisley Drive thence north-eastwards along the centre of Paisley Drive to Willowbrae Road thence south-eastwards along the centre of Willowbrae Road to Northfield Broadway thence north-eastwards along the centre of Northfield Broadway and Northfield Farm Avenue to Mountcastle Drive North thence north-westwards along the centre of Mountcastle Drive North to its junction with Mountcastle Gardens thence in a straight line north-eastwards to a point on the railway which point lies on the prolongation north-eastwards of Northfield Farm Avenue from a point in that avenue 48 yards from its junction with Mountcastle Drive North thence north-westwards along the centre of the railway to a point where it meets the prolongation of the centre line of Craigentenny Avenue thence northwards north-eastwards northwards and north-eastwards along the centre of Craigentenny Avenue and Fillyside Road to a point on the foreshore at low-water mark where it meets the prolongation of the centre line of Fillyside Road thence generally south-eastwards following the city boundary along the line of low-water mark to the point first mentioned.

SCH. 2
—cont.

XXIII. Craigmillar Ward

A line drawn from a point on the city boundary where the Brunstane Burn diverges therefrom south of Magdalene Bridge thence generally southwards south-westwards and southwards along the city boundary to a point in the centre of Old Dalkeith Road due north of a point on the city boundary situated 53 yards eastwards from the eastern boundary of "Deerpark" thence westwards and north-westwards along the centre of Old Dalkeith Road to Peffermill Road thence north-eastwards and south-eastwards along the centre of Peffermill Road to the bridge over the Braid Burn thence downstream along the centre of the said burn to the bridge at Duddingston Road West thence north-westwards and generally north-eastwards along the centre of Duddingston Road West to Milton Road West thence south-eastwards and north-eastwards along the centre of Milton Road West, Duddingston Crescent, Milton Road and Milton Road East to the main east coast railway thence south-eastwards along the centre of the said railway to the Brunstane Burn thence downstream along the centre of the said burn to the point first mentioned.

Notes.—In the foregoing Schedule:—

(a) the following expressions have the meanings hereby assigned to them—

“ canal ” means the Union Canal;

“ canal basin ” means the Union Canal Basin;

“ east breakwater ” and “ west breakwater ” mean respectively the east and west breakwaters of the harbour and docks of Leith;

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—cont.

“ inner harbour ” and “ outer harbour ” mean respectively the inner and outer harbours of the harbour and docks of Leith; and

“ railway ” means a railway of the railways board;

- (b) all measurements are approximate;
- (c) the names of streets or roads referred to are the names of those streets or roads as marked on the city map; and
- (d) references to lines of railway are to the lines of railway as marked on the city map.

Section 149.

SCHEDULE 3

RULES FOR REGULATING PROCEDURE IN DEAN OF GUILD COURT IN RESPECT OF ANY BUSINESS WHICH IS NOT CONJOINED WITH BUSINESS RELATING TO THE FUNCTIONS OF THE COURT UNDER THE ACT OF 1959

1. All proceedings shall be instituted by an application or petition in writing, and the subsequent procedure shall be as ordered by the court.

2. Interlocutors pronounced at a sitting of the court shall be signed by the lord dean of guild, or the member acting as chairman at such sitting in the absence of the lord dean of guild, but deliverances appointing service or intimation of any petition, motion or other step of procedure or fixing a diet for hearing parties may be pronounced and signed by the clerk or by any member of the court without the necessity of a sitting.

3. The court may, and on the motion of any party to the proceedings shall, order a record of the process to be made up.

4. The court may from time to time prescribe rules with respect to induciae, citation, lodging of plans and other productions, custody of process, and any other matter relating to forms of procedure.

5. There shall be payable to the clerk of the court by the parties to the proceedings such fees as the court shall from time to time fix, according to a scale to be approved by the auditor of the Court of Session, and such fees shall be accounted for by the clerk of the court to the city chamberlain and paid into the burgh fund.

6.—(1) The court shall have the like power of awarding expenses as are exercisable by the sheriff in a civil process in the sheriff court, and such expenses shall, unless the court otherwise directs, be taxed in accordance with the scale of taxation applicable in the sheriff court in causes where the amount of principal concluded for exceeds £250.

(2) The clerk of the court shall act as auditor of the accounts of expenses except in proceedings in which expenses are found due to or by the Corporation, and in any such proceedings the court shall appoint an independent person to act as auditor.

7. A decree of the court for payment of expenses or any other sum shall decern and ordain instant execution by arrestment and also execution to pass thereon by poinding and sale after a charge of ten

free days, and such decree may be enforced both within and beyond the city in the same manner, by the same officers, and to the same effect, as a decree of a sheriff court in a civil process, and where the debtor in any such decree is resident in the county of Midlothian beyond the city an extract of such decree shall, for the purposes of the Debtors (Scotland) Act, 1838, be deemed to be an extract decree of a sheriff court other than the sheriff court of the Lothians and Peebles.

SCH. 3
—cont.

1838, c. 114.

8. The provisions of this schedule shall, in the case of any committee of the court acting in virtue of a delegation under section 150 (Committees of dean of guild court) of this Order, have effect, with any necessary adaptations, as if such committee was the court.

SCHEDULE 4

Section 248.

PARTICULARS TO BE CONTAINED IN, AND PLANS TO BE LODGED WITH, APPLICATIONS FOR NEW STREETS ORDERS

1. The application shall contain a short description of the proposed street, or each of the proposed streets, to which the application relates, specifying the points of commencement and termination of the proposed street, or of each of such proposed streets, and the proposed lengths, widths and gradients thereof, and shall state the proposed name of each such street.

2. The application shall state the name and address of the owner of the land upon which each of such proposed streets is to be constructed.

3. There shall be lodged with the application plans of each of such proposed streets.

4. The plans and the horizontal lengths of sections shall be drawn to a scale of not less than 1 inch to every 41.66 feet, and the vertical height of sections shall be drawn to a scale of 1 inch to every 10 feet. The elevations of bridges shall be drawn to a scale of not less than $\frac{1}{2}$ inch to 1 foot.

5. The specifications relative to each of such proposed streets shall state the materials proposed to be used, the mode of construction and the means of drainage.

6. The plans shall have marked thereon the names and addresses of all the owners of all lands fronting each of such proposed streets.

7. The application shall contain a certificate by the applicant or his agent that notice of the application has been served upon all the owners referred to in the preceding paragraph.

8. For the purposes of this schedule the word "plans" (except where the context otherwise requires) has the meaning assigned to it by section 246 (Definitions for head I of Part XVIII) of this Order.

Section 265.

SCHEDULE 5

PROCEDURE FOR FIXING AND REVOKING BUILDING LINES UNDER SECTION 265 (POWER TO PRESCRIBE BUILDING LINE WHERE PUBLIC STREET TO BE IMPROVED OR WIDENED) OR UNDER SECTION 266 (POWER TO PRESCRIBE BUILDING LINES AT CORNERS OF STREETS) OF ORDER

1. A plan showing the building line which the Corporation propose to prescribe shall be deposited at the office of the city engineer, and may be inspected by any person free of charge at all reasonable hours during a period of one month from the day on which it is so deposited.

2. As soon as such plan has been so deposited the Corporation shall give notice of the proposal to prescribe the building line and of the times and place at which such plan may be inspected, and of the effect of the following provisions of this Order:—

Section 265 (Power to prescribe building line where public street to be improved or widened);

Section 266 (Power to prescribe building lines at corners of streets);

Section 269 (Acquisition of land between building lines and street); and

Paragraph 3 of this schedule;

to every owner, lessee and occupier of land affected.

3. The Corporation shall consider any objection to the proposed building line by any owner, lessee or occupier of land affected made within six weeks from the date on which the notices aforesaid were given and may then prescribe the building line.

4. Not later than six weeks after the date on which the Corporation prescribe the building line they shall prepare a plan, duly authenticated, on which such building line shall be shown, and shall give notice of the prescribing of such building line and of the times and place at which the said plan may be inspected to every owner, lessee and occupier of land affected.

5. The Corporation shall—

(a) give notice of the revocation of a building line prescribed by them under section 265 (Power to prescribe building line where public street to be improved or widened) of this Order to every owner, lessee and occupier of land affected; and

(b) indicate on the plan prepared in accordance with the preceding paragraph the extent to which the building line has been revoked.

6. Any informality or error in any notice under this schedule or any omission to give any notice as aforesaid shall not affect the validity of any decision of the Corporation prescribing or revoking a building line.

7. For the purposes of this schedule a tenant for three months or less shall not be deemed to be a lessee or occupier of land.

SCHEDULE 6

Section 333.

SUPPLY OF RIVER WATER FROM MILL LADE PIPE TO CERTAIN
PREMISES

| 1 | 2 | 3 | 4 |
|-----|---|--------------------------------|--|
| No. | Premises | Owner | Maximum quantity per day (in cubic feet) |
| 1 | Marble Works—Canonmills | Stewart McGlashan & Son, Ltd. | 200 |
| 2 | Garage—No. 3 Warriston Road | Morrison & Gibb, Ltd. ... | 50 |
| 3 | Lothian Chemical Works—Nos. 1A, 3, 5 & 7 Broughton Road | Lothian Chemical Co., Ltd. | 5,000 |
| 4 | Regent Confectionery Works—Beaverhall Road | W. & M. Duncan, Ltd. ... | 5 |
| 5 | Works—No. 25 Beaverbank Place | J. & R. Slack, Ltd. ... | 30 |
| 6 | Works—Beaverbank Place | Thos. G. Symington & Co., Ltd. | 10,000 |
| 7 | White's Skinnery—No. 26 Beaverbank Place | Thomas G. White & Co. ... | 5,000 |

Section 333.

SCHEDULE 7

ALLOCATION OF TRADE EFFLUENT TO BE DISCHARGED INTO
WATER OF LEITH SEWERS

| 1 | 2 | 3 | 4 | 5 |
|--|--|---------------------------|---|--|
| No. | Premises | Owner | Maximum quantity of discharge per day (cu. ft.) | Maximum rate of discharge per minute (cu. ft.) |
| (a) In the Parish of Currie and County of Midlothian | | | | |
| 1 | Balerno Bank Mill ... | John Galloway & Co., Ltd. | 90,000 | 85 |
| 2 | Kinauld Tan Works | J. Hewit & Sons, Ltd. ... | 3,250 | 10 |
| 3 | Kinleith Mill ... | Henry Bruce & Sons, Ltd. | 120,000 | 100 |
| (b) In the City of Edinburgh | | | | |
| 4 | Woodhall Mill ... | Woodhall Paper Co., Ltd. | 25,000 | 15 |
| 5 | Mossy Mill ... | Andrew Scott & Co., Ltd. | 15,000 | 15 |
| 6 | Slateford Dye Works and Inglis Green Laundry | A. & J. Macnab, Ltd. ... | 17,000 | 40 |
| 7 | Slateford Mill ... | A. & J. Macnab, Ltd. ... | 5,000 | 10 |
| 8 | Gorgie Glue Works | J. & G. Cox., Ltd. ... | 61,750 | 120 |
| 9 | Legget's Skinnery ... | Robert Legget & Sons ... | 128,645 | 160 |
| 10 | White's Skinnery ... | Thomas G. White & Co. | 5,145 | 30 |
| 11 | Bonnington Skinnery | White Burns & Co., Ltd. | 51,460 | 160 |

SCHEDULE 8

Section 486.

MAXIMUM PENALTIES FOR OFFENCES AGAINST ORDER

PART I

OFFENCES IN RESPECT OF WHICH A SENTENCE OF IMPRISONMENT WITHOUT
THE OPTION OF A FINE IS COMPETENT

| 1 | 2 | 3 |
|---|--------------|--------------------------------|
| Provision of Order contravened | Maximum fine | Maximum period of imprisonment |
| Subsection (1) of section 446 (Offences relating to public decency) | £25 | 60 days |
| Subsections (1) or (2) of section 447 (Soliciting and importuning) | £25 | 60 days |
| Subsections (1) or (2) of section 449 (Offences relating to public order) | £25 | 60 days |
| Subsection (1) of section 453 (Penalty for publishing indecent or obscene articles) | £50 | 60 days |
| Any provision of subsection (1) of section 482 (Offences by known thieves, etc.) | £25 | 60 days |
| Subsections (1) or (2) of section 483 (Begging, vagrancy, etc.) | £10 | 60 days |
| Subsection (4) of section 629 (Power to enter premises) | £200 | 3 months |

PART II

OFFENCES IN RESPECT OF WHICH A SENTENCE OF IMPRISONMENT WITHOUT
THE OPTION OF A FINE IS NOT COMPETENT

| (1) | (2) |
|---|--------------|
| Provision of Order contravened | Maximum fine |
| Any provision of subsection (1) of section 64 (Restrictions on structures, etc., and trading on seashore) | £25 |
| Subsection (1) of section 65 (Removal of sand, etc., from seashore) | £25 |
| Section 74 (Restrictions on interments except in cemeteries) | £25 |

| (1) | (2) |
|---|--------------|
| Provision of Order contravened | Maximum fine |
| Section 82 (Removal of obnoxious matter) | £25 |
| Subsection (1) of section 84 (Regulation of middensteads) | £25 |
| Subsections (2) or (3) of section 85 (Power to require sanitary conveniences, etc., at hotels, etc.) | £25 |
| Subsection (4) of section 86 (Hairdressers to be registered) | £25 |
| Subsection (1) of section 93 (Cleansing of filthy or verminous premises) | £25 |
| Any provision of subsection (1) of section 95 (Prohibition of sale of verminous articles) | £25 |
| Any provision of section 96 (Conveyance of carcasses) | £25 |
| Any provision of section 97 (Prohibition of blowing or inflating carcasses) | £25 |
| Any provision of section 99 (Offensive substances) | £25 |
| Section 102 (Mode of occupancy of dwellinghouses not to be altered without consent) | £50 |
| Subsection (1) or paragraph (a) or (b) of subsection (2) of section 132 (Cattle, etc., markets not to be established without consent) | £50 |
| Section 138 (Dead meat market not to be established without consent) | £50 |
| Any provision of section 139 (Sale of dead meat, hides, etc., in the slaughterhouses) | £50 |
| Any provision of subsection (2) of section 157 (Prohibition of building to which access is obtained from new street until street defined, etc.) | £25 |
| Any provision of section 164 (Repair, etc., of common stairs, etc.) | £25 |
| Any provision of subsection (4) of section 168 (New building overreaching adjoining chimneys) | £25 |
| Subsection (2) of section 171 (Power to require gas indication plates) | £25 |
| Section 172 (Penalty for interference with gas indication plates) | £25 |

(1)

(2)

SCH. 8
—cont.

| Provision of Order contravened | Maximum fine |
|---|--------------|
| Any provision of subsection (4) of section 173 (Power to require fire precautions in certain buildings used as places of assembly) | £50 |
| Paragraph (a) of subsection (1), or any provision of subsection (4) of section 174 (Premises used for storage of paraffin oil to be registered) | £50 |
| Subsections (2) or (3) or paragraph (b) of subsection (7) of section 175 (Firemen's switches for luminous tube signs) | £25 |
| Subsection (5) of section 176 (Power to require fire precautions in buildings in which animals are housed) | £50 |
| Subsection (2) of section 177 (Power to require portable fire-fighting appliances in certain buildings) | £50 |
| Section 183 (Blasting operations not to be carried out without permit) | £25 |
| Section 202 (Fencing of sunk areas, etc., fronting or adjoining streets) | £25 |
| Subsection (2) of section 206 (Height of fences, trees, hedges, etc., at corners of streets) | £25 |
| Any provision of subsection (7) of section 223 (Licences to construct bridges over, and tunnels or subways under, streets) | £25 |
| Section 224 (Encroachments and projections on or over streets not to be made without consent) | £25 |
| Subsection (2) of section 225 (Works on or under streets not to be executed without consent) | £25 |
| Section 228 (Penalty for permitting street works to be in dangerous condition) | £25 |
| Any provision of section 260 (Penalty for constructing new street without authority, etc.) | £25 |
| Subsection (1) of section 278 (Restrictions on display of articles in areas, etc.) | £25 |
| Any provision of section 311 (Injurious matter not to be permitted to pass into sewers or drains) | £25 |
| Section 312 (Penalty for obstructing or damaging drainage of city) | £25 |
| Any provision of subsection (2) of section 325 (Cesspools) | £25 |

| (1) | (2) |
|---|--------------|
| Provision of Order contravened | Maximum fine |
| Section 327 (Buildings with separate drains for foul water and for surface water) | £25 |
| Any provision of section 335 (Restriction on works in Water of Leith) | £50 |
| Section 343 (Allocation of quantities, etc., of trade effluent to be discharged into Water of Leith sewers) | £50 |
| Subsection (6) of section 345 (Restrictions on nature, etc., of trade effluent discharged into Water of Leith sewers) | £50 |
| Subsection (1) of section 357 (Watercourses not to be covered over or culverted without consent) | £50 |
| Subsection (1) of section 364 (Places of public entertainment to be licensed) | £50 |
| Section 365 (Hours of opening of places of public entertainment) | £25 |
| Subsection (1) of section 370 (Public shows not to be opened or set up without permit) | £50 |
| Subsection (1) of section 375 (Billiard rooms to be licensed) | £25 |
| Section 378 (Employment agencies to be licensed) | £25 |
| Any provision of section 380 (Inspection of books, etc., in connection with employment agencies) | £25 |
| Subsection (1) of section 382 (Licensing of brokers) | £25 |
| Any provision of section 383 (Offences by brokers) | £25 |
| Any provision of section 384 (Miscellaneous provisions as to brokers) | £25 |
| Any provision of section 385 (Application of certain provisions of head E of Part XXIV to pawnbrokers) | £25 |
| Section 386 (Restrictions on carrying on business of pawnbroking) | £25 |
| Any provision of section 390 (Penalty for using unlicensed vehicle as a cab) | £25 |
| Any provision of section 399 (Vehicles other than taxi-cabs not to be fitted with taximeters, etc.) | £25 |

(1)

(2)

SCH. 8
—cont.

| Provision of Order contravened | Maximum fine |
|---|--------------|
| Subsection (2) of section 403 (Pleasure boats to be licensed) | £50 |
| Any provision of section 404 (Number of persons to be carried in pleasure boats) | £50 |
| Subsection (1) of section 406 (Licensing of street traders) | £25 |
| Any provision of section 412 (Penalty for false statements in applications for licences) | £25 |
| Section 416 (As to extensions or alterations of premises licensed under Part XXIV) | £50 |
| Section 427 (Penalty for keeping unregistered special hours restaurant) | £25 |
| Section 484 (Use of premises for meetings and entertainments) | £25 |
| Section 485 (Animals or birds causing annoyance) | £25 |
| Subsection (3) of section 492 (Power of constables to enter certain premises and vessels) | £25 |
| Subsection (2) of section 495 (Power of constables to search vehicles and vessels) | £25 |
| Section 504 (Brokers, etc., to produce articles unlawfully obtained) | £25 |
| Section 630 (Penalty for obstructing execution of Order or byelaws, etc.) | £25 |

SCHEDULE 9

FORM OF PROMISSORY NOTE

CITY AND ROYAL BURGH OF EDINBURGH

CITY CHAMBERS,
EDINBURGH.

Due

£

The Corporation of the City of Edinburgh promise to pay to
or order

within

on the

day of

the sum of

sterling for value.

(This promissory note is issued in terms of the Edinburgh Corporation Order, 1967, and is valid only when signed by a member of the Corporation and by the city chamberlain, with or without the common seal being affixed.)

Member of Corporation.

City Chamberlain.

Entered in the register of promissory notes of

date.

City Chamberlain.

SCHEDULE 10

Section 653.

PROVISIONS WITH RESPECT TO CLAIMS FOR COMPENSATION BY OWNERS,
LESSEES AND OCCUPIERS OF LANDS AND PREMISES FOR—

- (A) DAMAGE TO, OR INJURIOUS AFFECTION OF, SUCH LANDS AND PREMISES;
AND
(B) LOSS SUSTAINED IN RELATION TO SUCH LANDS AND PREMISES

1. A claim for compensation shall be made by serving on the town clerk a notice stating the grounds of the claim and the amount claimed.

2. The Corporation shall not be required to entertain a claim for compensation unless—

(a) notice of the occurrence of the damage to, injurious affection of, or loss sustained in relation to, the lands or premises is given to the town clerk without unreasonable delay; and

(b) the claim is made—

(i) in the case of a claim under section 251 (Compensation where building line of new street set back more than 45 feet) of this Order, within six months from the date of the order;

(ii) in the case of a claim under section 258 (Power to require new street to be constructed of a greater width than 60 feet) of this Order, within six months after the construction of such street;

(iii) in the case of a claim under subsection (6) of section 265 (Power to prescribe building line where public street to be improved or widened) of this Order, within six months from the date when the building line was prescribed; and

(iv) in any other case, within six months from the discovery of the damage to, injurious affection of, or loss sustained in relation to, the lands or premises.

3. Subject to the terms of the succeeding paragraph, any question as to the right of a claimant to recover compensation, or as to the amount of the compensation recoverable, shall, in default of agreement, be referred to, and determined by, the Lands Tribunal for Scotland.

4. Until sections 1 to 3 of the Lands Tribunal Act, 1949 (which relate to the establishment of the Lands Tribunal for Scotland), come into force as respects Scotland the preceding paragraph shall have effect as if for the reference therein to the said Tribunal there were substituted a reference to an official arbiter appointed under the Land Compensation (Scotland) Act, 1963, and sections 3 and 5 of the said Act of 1963 shall apply, subject to any necessary modifications, in relation to the determination of any question under the preceding paragraph, as modified by this paragraph. 1949 c. 42. 1963, c. 51.

Section 676 (1)

SCHEDULE 11

ACTS, ORDERS AND SCHEME REPEALED

| Session and chapter, or number of statutory instrument | Title of Act, Order or Scheme | Extent of repeal |
|--|---|---|
| 56 Geo. III c. xli | An Act to enable the Lord Provost, Magistrates, and Council of the City of Edinburgh to carry into effect certain Purposes in regard to the Erection of a Chapel at the West End of Prince's Street, and for effecting certain Improvements in the Neighbourhood thereof, and in other Parts of the extended Royalty of the said City 1816 | The whole Act. |
| 3 & 4 Geo. 5 c. lxxxix | North British Railway Act, 1913 | Section 42. |
| 13 Geo. 5 Sess. 2 c. iv | Edinburgh Corporation Order Confirmation Act, 1922 | The whole of the Act and the scheduled Order. |
| 16 & 17 Geo. 5 c. lxxv | Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act, 1926 | The whole of the Act and the scheduled Order. |
| 22 Geo. 5 c. vii | Edinburgh Corporation Order Confirmation Act, 1932 | The whole of the scheduled Order except sections 1, 70, 77, 79, 92, 98, 197 and 199 and the Third Schedule. |
| 24 Geo. 5 c. v | Edinburgh Corporation Order Confirmation Act, 1933 | The whole of the Act and the scheduled Order. |
| | The Edinburgh Corporation (Superannuation) Modification Scheme, 1939 | The whole scheme. |
| 7 Eliz. 2 c. v | Edinburgh Corporation Order Confirmation Act, 1958 | The whole of the scheduled Order, except section 1, section 3 (1) and 3 (2), so far as defining "Act of 1947", "city", "Corporation", "county", "county clerk", "county |

| Session and chapter, or number of statutory instrument | Title of Act, Order or Scheme | Extent of repeal |
|--|--|--|
| 7 Eliz. 2 c. v—cont. | | council”, “dock commission”, “harbour and docks of Leith”, “town clerk”, “transport commission” and “water undertaking”, section 3 (3), sections 37 to 59 inclusive, sections 61 to 110 inclusive and section 112, and the Third and Fourth Schedules. |
| 10 & 11 Eliz. 2 c. ii | Edinburgh Corporation Order Confirmation Act, 1961 | The whole of the Act and the scheduled Order. |
| 1962 No. 182 | City of Edinburgh Wards Order, 1962 | The whole Order. |
| 11 Eliz. 2 c. ii | Edinburgh Corporation Order Confirmation Act, 1962 | The whole of the scheduled Order except section 64. |
| 1963 No. 189 | City of Edinburgh Wards Order, 1963 | The whole Order. |
| 1963 No. 937 | The Edinburgh Corporation (City Rate Partial Exemptions Repeal) Order, 1963 | The whole Order. |
| 1964 No. 860 (S. 56) | The Building (Scotland) Act 1959 (Local Act Provisions) (Edinburgh) Order 1964 | The whole Order. |
| 1964 c. xli | Edinburgh Corporation Order Confirmation Act, 1964 | The whole of the Act and the scheduled Order. |
| 1965 No. 2194 | City of Edinburgh Wards Order, 1965 | The whole Order. |

Section 676 (3)

SCHEDULE 12

PROVISIONS OF ACT, ORDERS AND SCHEME EXCEPTED FROM REPEAL

An Act to enable the Lord Provost, Magistrates, and Council of the City of Edinburgh to carry into effect certain Purposes in regard to the Erection of a Chapel at the West End of Prince's Street, and for effecting certain Improvements in the Neighbourhood thereof, and in other Parts of the extended Royalty of the said City.

(56 Geo. III c. xli)

Buildings may be erected on the Earthen Mound.

¹XIII. And be it further enacted, That it shall and may be lawful to the Lord Provost, Magistrates, and Council of the said City to erect Houses and Buildings on the said Earthen Mound² or to feu out or let the same on Lease for the Erection of Houses and Buildings thereon.

EDINBURGH CORPORATION ORDER, 1932

PART IV

FINANCE AND ASSESSMENTS

(F) *Miscellaneous financial provisions*

Retiring allowances to servants.

³173. The Corporation may pay retiring allowances to officers or servants incapacitated from service by age or otherwise.

EDINBURGH CORPORATION ORDER, 1933

PART IV

SUPERANNUATION

Modification of scheme. 1925 c. 70.

⁴69. In consequence of the provisions of the Widows' Orphans' and Old Age Contributory Pensions Act, 1925, the following provisions shall apply and have effect viz.:—

- (a) In the case of a manual worker who was a contributor to the superannuation fund at the sixteenth day of May one thousand nine hundred and thirty his remuneration shall be reduced to the extent of eight shillings per week for the purpose of reckoning his percentage contribution to the superannuation fund and the amount of his superannuation allowance:
- (b) In the case of a manual worker who shall enter the employment or service of the Corporation at or after the sixteenth day of May one thousand nine hundred and thirty his remuneration shall be reduced to the extent of fifteen shillings per week for the purpose of reckoning his percentage contribution to the superannuation fund and the amount of his superannuation allowance.

¹ As amended by section 228 (1) (a) of, and schedule 9 to, the Edinburgh Corporation Order, 1964.

² The Mound extending from Prince's Street to the ancient Royalty of the city.

³ As amended by section 258 (1) of, and Part I of the Fourth schedule to, the Edinburgh Corporation Order, 1961, and section 228 (1) (a) of, and schedule 9 to, the Edinburgh Corporation Order, 1964.

⁴ As amended by section 6 (3) of the Edinburgh Corporation Order, 1962.

¹71. All superannuation benefits shall be in lieu of or imputed pro tanto to account of any retiring allowance granted by the Corporation under the provisions of section 173 (Retiring allowances to servants) of the Order of 1932.²

SCH. 12
—cont.
Saving of provisions of Order of 1932.

PART VI

POLICE

(A) *Police force*

108. For the purpose of rewarding any constable for extra-ordinary trouble or outstanding services or of rewarding any person for aiding or assisting the police force and of remunerating persons necessarily employed for special services the lord provost shall have at his disposal such sum or sums of money as to the Corporation shall seem proper not exceeding in the whole the sum of five hundred pounds in any one year which sum or sums the city chamberlain shall pay on orders signed by the lord provost countersigned by the town clerk.

Rewards to constables &c.

PART XVII

MARKETS AND SLAUGHTERHOUSES

(B) *Slaughterhouses*

288. No person shall within the city slaughter any cattle or cause the same to be slaughtered in the way of trade elsewhere than within the slaughterhouses at Gorgie and no person shall within two miles from the boundaries of the city slaughter any cattle or cause the same to be slaughtered in the way of trade elsewhere than within the slaughterhouses at Gorgie or within slaughterhouses provided or licensed by a local authority under Act of Parliament and any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

Prohibition of private slaughtering.

³292. In order to prevent the evasion of the use of the slaughterhouses all persons who shall bring within the city for sale or consumption therein the carcase or part of a carcase of any cattle (other than cured or preserved meat) shall on their bringing such carcase or part of a carcase within the city be liable in payment to the Corporation for the purposes of the slaughterhouses of the same rates or charges as are leviable in respect of cattle slaughtered in the slaughterhouses.

Evasion dues.

PART XXIV

MISCELLANEOUS

⁴361. For the protection of the London Midland and Scottish Railway Company (hereinafter in this section called "the railway company") the following provisions shall unless otherwise agreed

For protection of London Midland and Scottish Railway Company.

¹ As amended by section 228 (1) (a) and (2) of, and schedules 9 and 10 to, the Edinburgh Corporation Order, 1964.

² The Edinburgh Corporation Order, 1932.

³ As amended by section 28 of, and the schedule to, the Edinburgh Corporation Order, 1955.

⁴ As amended by section 228 (1) (a) of, and schedule 9 to, the Edinburgh Corporation Order, 1964.

SCH. 12
—cont.

between the Corporation and the railway company apply and have effect (that is to say):—

- (1) The footpath constructed by the Corporation from the junction of Orwell Terrace and Caledonian Crescent to the north east corner of West Fountain Place in accordance with plans annexed to minute of agreement between the Caledonian Railway Company and the Corporation dated the eighteenth day of June and the sixteenth day of August both in the year one thousand nine hundred and one shall so far as it passes under the railway of the railway company (hereinafter referred to as “the subway”) continue to be maintained by the Corporation at their own expense:
- (2) The railway company shall at their own expense maintain the means of communication constructed by the Caledonian Railway Company under the provisions of the before-mentioned minute of agreement and such maintenance so far as it interferes with or affects the subway or the property of the Corporation shall be carried out to the reasonable satisfaction of the engineer of the Corporation:
- (3) Before commencing any maintenance repair or renewal works on the subway the Corporation shall submit plans sections and specifications of such works to the railway company for their approval and the said works shall be carried out in conformity only with such plans sections and specifications and at the sight and to the reasonable satisfaction of the engineer of the railway company Provided that the approval of the railway company shall not be unreasonably withheld and that it shall be deemed to have been given unless the railway company signify their disapproval within twenty-eight days after the submission of the said plans sections and specifications:
- (4) If any damage to or interference with the railways works lands or property of the railway company or any interruption to the traffic on the railways shall arise or be occasioned at any time by the works of the Corporation the Corporation shall forthwith make good or remove such damage interference or interruption at their own expense or the railway company may execute the necessary works for that purpose at the expense of the Corporation and the Corporation shall repay to the railway company all expenses properly incurred by them in so doing (including engineering expenses and also the expenses of inspectors signalmen watchmen and others) and all loss or damage sustained by the railway company in consequence of such damage interference or interruption including all claims and demands that may be made against them by third parties arising out of such damage interference or interruption:
- (5) If any difference shall arise between the Corporation and the railway company under this section the same shall be determined by an arbiter to be agreed upon between the Corporation and the railway company or failing agreement to be nominated by the sheriff.

THE EDINBURGH CORPORATION (SUPERANNUATION) MODIFICATION
SCHEME, 1939

SCH. 12
—cont.

PERSONS ENTITLED TO PARTICIPATE IN THE BENEFITS OF THE
SUPERANNUATION FUND

4.—(1) Subject to the provisions of this Scheme and to the provisions of section 25 of the Act of 1937¹ relating to officers appointed in a temporary capacity, every whole-time officer of the Corporation shall be entitled to participate in the benefits of the Superannuation Fund.

(2)

MEDICAL EXAMINATION

²8. Notwithstanding the terms of section 25 of the Act of 1937,¹ subsections (2) and (3) of said section shall not apply to a whole-time officer of the Corporation unless immediately prior to the expiration of the period of two years mentioned in said section he obtains from a medical practitioner engaged by the Corporation, under section 565 (Medical examination for superannuation purposes) of the Edinburgh Corporation Order, 1967, a Certificate that from the medical point of view he is fit to become a member of the Superannuation Scheme.

OTHER CONSEQUENTIAL AND INCIDENTAL MATTERS

³12. Section 23 (Provision as to Asylum Employees) of and the Second Schedule to the Act of 1937¹ shall apply to the Superannuation Scheme in the same way and to the same effect as if the Corporation had determined to substitute for such scheme the provisions of Part I of the Act of 1937, in accordance with the powers contained in Sub-Section (3) of Section 22 of said Act.

EDINBURGH CORPORATION ORDER, 1958

PART VI

PUBLIC HALLS

⁴137.—(1) The Corporation may erect and maintain new buildings—
(a) on the site of the Waverley Market;
(b) on the ground belonging to them lying between the said site and Waverley railway station; and
(c) over that rectangular piece of ground belonging to the transport commission and forming part of Waverley railway station extending to six hundred and sixty-two superficial yards or

Special provisions as to Waverley Market.

¹ The Local Government Superannuation (Scotland) Act, 1937.

1937, c. 69.

² As amended by section 565 (2) of this Order.

³ As amended by section 228 (1) (b) of the Edinburgh Corporation Order, 1964.

⁴ As amended by section 228 (1) (a) of, and schedule 9 to, the Edinburgh Corporation Order, 1964.

SCH. 12
—cont.

thereby and shown coloured red on the plan annexed and signed as relative to the minute of agreement between the Corporation and the London and North Eastern Railway Company dated the seventh and nineteenth days of July and registered in the books of council and session on the twenty-eighth day of July all in the year nineteen hundred and thirty-eight over which rectangular piece of ground the Corporation have right to erect the said new buildings by virtue of the said minute of agreement.

(2) Notwithstanding anything contained in any Act or in any deed or other writing and without prejudice to any rights and powers otherwise competent to them the Corporation in altering reconstructing or adapting the Waverley Market or in erecting any new buildings on and over the areas of ground specified in subsection (1) of this section may raise the height of the altered reconstructed or adapted building or may erect any such new buildings to a height above the existing level of the south footpavement of Princes Street ex adverso such altered reconstructed or adapted building or such new buildings of—

(a) fifteen feet in the case of that part of the buildings occupying that part of the areas of ground specified in subsection (1) of this section which is situated within the area bounded as follows:—

By a line commencing at a point on the east side of the Waverley Bridge forty-three feet six inches south of the north boundary of the Waverley railway station thence in a northerly or north-westerly direction along the east side of the Waverley Bridge to a point fifty-five feet north of the north boundary of the Waverley railway station thence in an easterly or north-easterly direction in a line parallel to the north boundary of the Waverley railway station to a point sixty feet west of the west wall of the North British Station Hotel thence in a southerly or south-easterly direction in a line parallel to the west wall of the North British Station Hotel for a distance of fifty-five feet to the north boundary of the Waverley railway station thence in a westerly or south-westerly direction along the north boundary of the Waverley railway station to a point one hundred and thirty-seven feet east of the Waverley Bridge thence again in a southerly or south-easterly direction in a line parallel to the east side of the Waverley Bridge for a distance of forty-three feet six inches to a point within the area of the Waverley railway station one hundred and thirty-seven feet east of the Waverley Bridge and thence in a westerly or south-westerly direction in a line parallel to the north boundary of the Waverley railway station for a distance of one hundred and thirty-seven feet to the point of commencement before mentioned:

(b) four feet in the case of that part of the buildings occupying the remainder of the areas of ground specified in subsection (1) of this section:

Provided that the Corporation may erect or place such ornamental features as they may think fit on the roof of Waverley Market as altered reconstructed adapted or rebuilt or on the roof of any new buildings erected under the powers of this section notwithstanding that such ornamental features rise above the four feet above mentioned.

SCH. 12
—cont.

(3) Nothing in this section shall prejudice the provisions of the said minute of agreement between the Corporation and the London and North Eastern Railway Company.

EDINBURGH CORPORATION ORDER, 1961

PART VII

PUBLIC HEALTH AND SANITATION

F.—Public conveniences

94.—(1) Notwithstanding anything in the Act 3 Geo. 4 Chapter xxviii (being “An Act for regulating, maintaining, and improving the Premises in the City of Edinburgh, termed Queen Street Gardens, and for effecting certain other Improvements in the Vicinity thereof, and connected therewith”), the Corporation may erect public conveniences on the area of ground formerly forming part of the Queen Street Gardens vested in the Corporation in terms of the Disposition granted by the General Commissioners of Queen Street Gardens as trustees for behoof of the proprietors of the Eastern District thereof in favour of the Corporation dated the thirtieth day of April and subsequent dates and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on the twenty-seventh day of June all in the year nineteen hundred and fifty-six.

As to public conveniences to be erected in Queen Street Gardens.

(2) Unless otherwise agreed between the Corporation and the Commissioners appointed and acting in pursuance of the said Act 3 Geo. 4 Chapter xxviii, any such public conveniences shall be erected in accordance with the plans docquetted as relative to warrant of the Dean of Guild Court dated the ninth and extracted the sixteenth both days of March, nineteen hundred and fifty-six.

EDINBURGH CORPORATION ORDER, 1962

PART II

SUPERANNUATION

19. Service with the Edinburgh Sheriff Court House Commissioners before the twentieth day of July, nineteen hundred and thirty-seven, shall not be reckoned for the purpose of computing the amount of superannuation benefits.

As to previous service with Edinburgh Sheriff Court House Commissioners.

SCH. 12
—cont.

EDINBURGH CORPORATION ORDER, 1964

PART X

MISCELLANEOUS

Application of
section 150 (2)
of Customs and
Excise Act,
1952, to
theatre erected
in place of
existing Lyceum
Theatre.
1952 c. 44.

204. In the event of the Corporation demolishing the existing Lyceum Theatre belonging to them and erecting any building as a theatre in substitution therefor on the site of or in the vicinity of the site of the existing Lyceum Theatre such building, on being licensed as a theatre under the provisions of the city Acts shall, for the purposes of Part IV of the Customs and Excise Act, 1952, be deemed to be premises erected before the 1st January, 1904, and accordingly subsection (2) of section 150 of the said Act (which provides, inter alia, that a certificate for the sale of excisable liquor shall not be required in respect of any premises in Scotland duly licensed as a theatre if such premises were erected before the 1st January, 1904) shall apply to such building while so licensed in all respects as if the said building had been erected before the said date.

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Edinburgh Corporation Order Confirmation Act 1967

CHAPTER v

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1. Confirmation of Order in schedule.
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3. Interpretation.
4. Limits of Order.

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5. Boundaries of city and city parish.
6. Division of city into wards.
7. City map.

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8. County of the city of Edinburgh.

C. Constitution and quorum of Corporation

9. Constitution of Corporation.
10. Quorum of Corporation.

D. Magistrates

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11. Number of magistrates.

E. Deputy chairman of Corporation

12. Deputy chairman of Corporation.

*F. Filling casual vacancies among
town councillors*

13. Filling casual vacancies among town councillors.

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14. Designation of Corporation.
15. Powers of Corporation, magistrates and judges of police.
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17. Vesting of property in Corporation.

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18. City chambers and other administrative buildings.

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19. Preservation and publication of records.
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22. Printing of city Acts, etc.
23. Robes and insignia.

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26. General power to appoint depute or interim officers.
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- 35. Appointment of libraries and museums committee.
- 36. References to former libraries committee to be references to Corporation.

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- 37. Power to provide libraries.
- 38. Disposal of surplus articles in libraries.
- 39. Charges, etc., in connection with certain articles borrowed from libraries.
- 40. Libraries to be free.
- 41. Saving for agreement with trustees of Thomas Nelson.

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- 42. Power to provide museums.
- 43. Charges for admission to museums.
- 44. Use of Lauriston Castle as a museum.

E. Art galleries

- 45. Power to provide art galleries.

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- 48. Proceeds of disposal of articles and objects in libraries, etc.
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- 50. Power to provide parks.
- 51. Buildings, etc., in parks.
- 52. Restrictions on buildings in certain parks.
- 53. Admission to, and use of, buildings, etc., in parks.
- 54. Temporary use of parks for other purposes.
- 55. As to parks outwith city.
- 56. Calton Hill monument.

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- 59. Powers of Corporation with respect to privately owned open spaces.
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- 61. Regulation of seashore.
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- 69. Corporation to continue to be burial authority for city.
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76. Definitions for Part IX.

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80. Cleansing of courts, etc.

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83. Closes, etc., detrimental to public health.

84. Regulation of middensteads.

85. Power to require sanitary conveniences, etc., at hotels, etc.

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86. Hairdressers to be registered.

87. Byelaws as to hairdressers.

88. Display of hairdresser's certificate of registration and byelaws.

89. Power of court to suspend registration of hairdressers.

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90. As to application of Part V of Act of 1897.

91. Registration of common lodging-houses in classes.

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92. As to application of section 72 of Act of 1897.

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94. Cleansing of verminous persons and clothing.

95. Prohibition of sale of verminous articles.

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97. Prohibition of blowing or inflating carcasses.

98. Byelaws in respect of fried-fish shops.

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- 100. Byelaws as to keeping of poultry.
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- 116. Authority of Corporation to run public service vehicles.
- 117. Power to run public service vehicles for special purposes.
- 118. Starting and stopping places of public service vehicles.
- 119. Saving for Part III of Act of 1960 in respect of head A of Part XII.

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- 120. Signs indicating starting and stopping places, etc., of public service vehicles.
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*C. Provisions with respect to third-party
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- 122. Certain public service vehicles deemed to be local authority vehicles for insurance purposes.
- 123. As to evidence of exemption of public service vehicles from insurance.

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- 124. Fares on public service vehicles to be so fixed that revenue of transport undertaking will meet expenditure.
- 125. Penalty for permitting unauthorised use of season, etc., tickets.
- 126. Passengers on public service vehicles travelling beyond journey for which fare paid.

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- 127. Power to manufacture public service vehicles.
- 128. Parcels delivery service.
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- 130. Definitions for Part XIII.

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- 131. Power to provide markets.
- 132. Cattle, etc., markets not to be established without consent.
- 133. Power to discontinue markets.
- 134. Use of markets for other purposes.
- 135. Saving for existing market rights.

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- 136. Operation of the slaughterhouses.
- 137. Power to provide dead meat market.
- 138. Dead meat market not to be established without consent.
- 139. Sale of dead meat, hides, etc., in the slaughterhouses.

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- 140. Power to let stalls, lands and premises at markets and slaughterhouses.

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- 142. Market and slaughterhouses charges to be so fixed that revenue will meet expenditure.
- 143. Charges in respect of dead meat market.
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- 146. Definitions for Part XIV.

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- 147. Constitution of dean of guild court.
- 148. Casual vacancies among appointed members of dean of guild court.
- 149. Proceedings in dean of guild court.
- 150. Committees of dean of guild court.
- 151. Provision of accommodation, etc., for dean of guild court.
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- 153. Clerk of dean of guild court.
- 154. Legal assessors of dean of guild court.
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- 158. Power to require fire and other precautions in public buildings.

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- 159. Prevention of water flowing on to footway.
- 160. Repair, etc., of structure, etc., of buildings.
- 161. As to execution of works required under head C of Part XV.
- 162. As to notices and allocation of expense for purposes of head C of Part XV in relation to tenements.
- 163. Appeals against notices, etc., under head C of Part XV.

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- 164. Repair, etc., of common stairs, etc.
- 165. Back greens, courts, etc., to be paved.
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- 169. Construction of windows.

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- 171. Power to require gas indication plates.
- 172. Penalty for interference with gas indication plates.

*B. Fire precautions in certain buildings used
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- 173. Power to require fire precautions in certain buildings used as places of assembly.

*C. Registration of premises used for storage
of paraffin oil*

- 174. Premises used for storage of paraffin oil to be registered.

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- 175. Firemen's switches for luminous tube signs.

*E. Fire precautions in buildings in which
animals are housed*

- 176. Power to require fire precautions in buildings in which animals are housed.

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*F. Provision of portable fire-fighting appliances
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178. Owners or occupiers may be required to meet expense of requirements under Part XVI.
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180. Definitions for Part XVII.

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183. Blasting operations not to be carried out without permit.

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186. Prevention of assemblies causing obstruction.
187. Byelaws as to queues for public service vehicles.

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193. Construction of new streets by Corporation.
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195. Naming of streets.
196. Numbering of premises in streets.
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198. Definitions for head D of Part XVIII.

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206. Height of fences, trees, hedges, etc., at corners of streets.
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208. Carrying off rainwater, etc., from bridges.
209. As to building materials, etc., deposited on streets.
210. Precautions to be taken by Corporation in executing works in streets.

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211. Construction of footways of public streets.
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215. Definition for head E of Part XVIII.
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219. Byelaws as to crossing streets where pedestrian subways constructed.
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224. Encroachments and projections on or over streets not to be made without consent.
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226. Conditions as to position of pavement crossings where lands abut on more than one street.
227. Powers, etc., with respect to making good defects in street works.
228. Penalty for permitting street works to be in dangerous condition.
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231. Definitions for head G of Part XVIII.
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233. Procedure prior to making street closing orders.
234. Procedure subsequent to making street closing orders.
235. Date of operation of street closing orders.
236. Vesting of solum of public streets stopped up.
237. Removal of paving material, etc., from streets stopped up.
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241. Control and maintenance of private streets.
242. Majority of frontagers may require private streets to be taken over.
243. Power to require private streets to be completed.
244. Powers of Corporation with respect to temporary works and minor repairs on private streets.
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- 247. New streets not to be constructed without authority of Corporation.
- 248. Procedure with respect to new street applications.
- 249. Disposal of new street applications.
- 250. Conditions which may be included in new street orders.
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- 255. New street orders to be binding on successive owners.
- 256. Notice before commencement, suspension or resumption of works on new streets.

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- 257. Minimum width of new streets.
- 258. Power to require new street to be constructed of a greater width than 60 feet.

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of streets authorised by new street orders*

- 259. Construction by Corporation of streets authorised by new street orders.

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- 260. Penalty for constructing new street without authority, etc.
- 261. Powers of Corporation where new street constructed without authority, etc.

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- 262. General building line.
- 263. Building line on Joppa-Seafield promenade.
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290. Definitions for Part XX.

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- 297. As to fixing of lighting equipment to structures.
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- 300. Definitions for Part XXI.

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- 301. General duty of Corporation to provide for drainage of city.
- 302. Map of public sewers.
- 303. Construction of public sewers, etc., by Corporation.
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- 305. Power to lay public sewers in beds of rivers.
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- 307. Discharge of public sewers into watercourses.
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- 309. Buildings not to be constructed, or materials deposited, over public sewers without consent.
- 310. Ventilation of public sewers, etc.
- 311. Injurious matter not to be permitted to pass into sewers or drains.
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- 315. Right of owners and occupiers within city to drain into public sewers.

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318. Construction of new sewers by private developers.
319. Corporation may require private sewer to be so constructed as to drain additional lands and buildings.

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320. Private sewers and drains to be maintained by owners.
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322. Corporation may take over private sewers.
323. Notice to be given before private sewers or drains covered up.
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333. Definitions for Part XXII.

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