



Edinburgh Corporation Order Confirmation Act 1969

CHAPTER Ixii

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

EDINBURGH CORPORATION

1. Short and collective titles.
2. Interpretation.
3. Sale of refreshments at Meadowbank Sports Centre.
4. As to application of section 132 of Local Government Act, 1948, to King's Theatre.
5. Members of licensing court not disqualified from granting certificates in respect of King's Theatre.
6. Amendments and repeals.
7. Costs of Order.

SCHEDULE:

Part I—Amendment of the Edinburgh Corporation Order 1964.

Part II—Amendments of the Order of 1967.

ELIZABETH II



1969 CHAPTER Ixii

to confirm a Provisional Order under the Private
ation Procedure (Scotland) Act 1936, relating to
burgh Corporation. [11th December 1969]

EREAS the Provisional Order set forth in the schedule
ereunto annexed has after inquiry held before Com-
missioners been made by the Secretary of State under
visions of the Private Legislation Procedure (Scotland)
and it is requisite that the said order should be 1936 c. 52.
by Parliament:

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

Provisional Order contained in the schedule hereunto
hereby confirmed. Confirmation
of Order in
schedule.

Act may be cited as the Edinburgh Corporation Order Short title.
1969.

SCHEDULE

EDINBURGH CORPORATION

Provisional Order to confer powers on the Corporation of the city of Edinburgh with respect to the provision and sale of refreshments at their Meadowbank Sports Centre and other premises; to amend the Edinburgh Corporation Orders 1964 and 1967; and for other purposes.

Whereas the Commonwealth Games are to be held in Edinburgh in 1970 and the Corporation of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation" and "the city" respectively) are erecting and establishing a sports centre at Meadowbank, the city which will be permanent and used for the promotion and encouragement of physical training, exercise and recreation and the benefit of the community generally:

And whereas it is expedient that the Corporation should be authorised to provide and sell or make arrangements for the provision and sale of refreshments at the Meadowbank Sports Centre as provided by this Order:

And whereas it is expedient that provision should be made by this Order whereby the Corporation would be enabled to provide and sell excisable liquor in the King's Theatre, Edinburgh:

And whereas by the Edinburgh Corporation Order 1967, the Acts and Orders relating to the Corporation (other than the Acts and Orders relating to their former water undertaking) were with certain amendments consolidated and certain further powers were conferred on the Corporation:

And whereas following the passing of certain subsequent enactments or consequent on the passing of time or other circumstances it is expedient that certain of the provisions of the said Order of 1967 should be amended or repealed as provided by this Order:

And whereas it is expedient that the other provisions of this Order should be enacted:

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

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

1.—(1) This Order may be cited as the Edinburgh Corporation Order 1969.

(2) This Order and the Edinburgh Corporation Order 1967 may be cited together as the Edinburgh Corporation Orders 1967 and 1969.

1936 c. 52.

Short and
collective
titles.

*Edinburgh Corporation
Order Confirmation Act 1969*

CH. LXII

3

Interpretation.

(1) For the purposes of this Order—

"city" means the city and royal burgh of Edinburgh;

"Corporation" means the Corporation of the city;

"Meadowbank Sports Centre" means the sports complex provided by the Corporation on the area at Meadowbank within the city bounded on the west by Wishaw Terrace, on the north-west by Marionville Road, on the north and north-east by the Abbeyhill Loop of the British Railways Board, on the south-east by the Edinburgh-Berwick main line of the British Railways Board and on the south-west by London Road;

"Order of 1967" means the Edinburgh Corporation Order 1967; and

"refreshments" means foodstuffs and beverages of any kind but does not include excisable liquor.

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

(1) The Corporation may, at the Meadowbank Sports Centre—

Sale of refreshments at Meadowbank Sports Centre.

(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.

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 at the Meadowbank Sports Centre.

1959 c. 51.

Notwithstanding anything in the Local Government Act 1948 (which relates to the provision of refreshments by local authorities) shall until 28th May, 1975, have effect in relation to the Corporation and to the city section 132 of that Act (which provides, inter alia, that no certificate shall be granted under the Licensing (Scotland) Acts for the sale of liquor in any premises provided under the section in Scotland) shall apply in relation to the King's Theatre, Edinburgh.

As to application of section 132 of Local Government Act, 1948, to King's Theatre.
1948 c. 26.

In avoidance of doubt it is hereby declared that the members of the court of the city shall not be disqualified from acting in or confirming of a certificate for the sale of excisable liquor at the King's Theatre, Edinburgh solely by virtue of their being councillors.

Members of licensing court not disqualified from granting certificates in respect of King's Theatre.

(a) The provision of the Edinburgh Corporation Order 1964 specified in Part I of the Schedule to this Order; and

Amendments and repeals.

(b) The provisions of the Order of 1967 specified in Part II of the Schedule to this Order;

shall have effect subject to the amendments set out in that schedule.

(2) Section 2, Head F (Miscellaneous) of Part XIII (Markets slaughterhouses), subsection (4) of section 364 and sections 466 and 678 of the Order of 1967 are hereby repealed.

Costs of
Order.

7. The costs, charges and expenses of and incidental to the preparation, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh fund in the manner as the Corporation may determine.

SCHEDULE

Section 6 (1) (a).

PART I

AMENDMENT OF THE EDINBURGH CORPORATION ORDER 1964

For section 204 (Application of section 150 (2) of Customs and Excise Act, 1952, to theatre erected in place of existing Lyceum 1952 c. 44. (theatre) there shall be substituted the following section:—

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 any enactment, shall, for the purposes of paragraph (b) of section 198 of the Licensing (Scotland) Act, 1959 (as the said paragraph is re-enacted by paragraph (d) of subsection (1) of section 5 of the Finance Act 1967) be deemed to be a theatre erected before 1st January, 1904."

PART II

Section 6 (1) (b).

AMENDMENTS OF THE ORDER OF 1967

Section (1) of section 3 (Interpretation):—

(a) after the definition of " city map " there shall be inserted:—
" the commencement of this Order ' means 29th May, 1968; "

(b) the definition of " dock commission " shall be omitted; and

(c) after the definition of " footway " there shall be inserted:—

" the Forth Ports Authority ' has the meaning assigned to ' the Authority ' by section 2 (1) of the Forth Harbour Reorganisation Scheme 1966; "

In subsection (2) of section 12 (Deputy chairman of Corporation) the words from and including " application to the Corporation " and of the subsection there shall be substituted, and shall be deemed always to have been substituted, the words " application to the Corporation " and the words " and deputy chairman are " substituted

For section 16 (Execution of deeds by Corporation) there shall be substituted, and shall be deemed always to have been substituted, the following section:—

16. (1) A deed to which the Corporation is a party shall be held to be validly executed on their behalf if it is subscribed by a member of the Corporation and by the

*Edinburgh Corporation
Order Confirmation Act 1969*

town clerk, whether attested by witnesses or not whether the deed is sealed with the common seal of the Corporation or not.

(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."

4. In the following provisions:—

- (a) subsection (1) of section 17 (Vesting of property in Corporation);
- (b) subsection (1) of section 18 (City chambers and administrative buildings);
- (c) paragraphs (a) and (b) of subsection (1) of section 567 (Contributions of officers and servants to superannuation fund); and
- (d) paragraph (b) of section 568 (Saving for existing officers and servants in respect of Part XXXIV);

for the words "the date of the passing of the Act confirming the Order" there shall be substituted "10th May, 1967".

5. For subsection (1) of section 67 (Savings in respect of Part III) there shall be substituted the following subsection:—

"(1) Nothing in this Part of this Order shall affect premises the rights of—

- (a) the Forth Ports Authority in relation to the harbours and docks of Leith and Granton Harbour; or
- (b) the owner of Cramond Island."

6. In subsection (2) of section 306 (Discharge of public sewers into tidal waters) for the words "dock commission" there shall be substituted the words "Forth Ports Authority".

7. In subsection (2) of section 312 (Penalty for obstructing or damaging drainage of city) for the words "of the powers conferred on the dock commission by" there shall be substituted the words "of the powers conferred on the Forth Ports Authority of their powers under".

8. For paragraph (d) of subsection (1) of section 392 (Forth Harbour of cab drivers' licences) there shall be substituted the following paragraph:—

- "(d) (i) culpable homicide; or
 - (ii) a contravention of sections 1, 2 or 6 of the Road Traffic Act 1960; or
 - (iii) a contravention of section 1 of the Road Traffic Act 1967;
- involving any motor vehicle of which the driver was in charge;".

In subsection (2) of section 477 (Restriction on vehicles waiting on streets)—

(a) the word “; or” shall be inserted at the end of paragraph (viii); and

(b) the following paragraph shall be added at the end of the subsection:—

“(ix) a vehicle standing in a street in accordance with the terms of a licence under section 406 (Licensing of street traders) of this Order.”.

In section 511 (Power to dispose of land) the words “or of IV (Water) of the Edinburgh Corporation Order, 1958” and the words “water undertaking or the” (twice occurring) shall be omitted.

In section 518 (Penalty for non-payment of rates) the words “including the financial year ending on 28th May, 1967)” shall be omitted.

In section 520 (Rating of harbour and docks of Leith):—

(a) for the words “dock commission” wherever they occur there shall be substituted the words “Forth Ports Authority”;

and

(b) for the word “them” in paragraph (a) of subsection (4) there shall be substituted the words “the commissioners for the harbour and docks of Leith”.

In section 521 (Rating of Granton Harbour) for the words “Granton Harbour Ltd. and their successors” (twice occurring) there shall be substituted the words “the Forth Ports Authority”, and the words “74½ per cent. thereof in respect of the financial year ending on 1st May, 1969,” in subsection (4) shall be omitted.

In section 531 (Borrowing by Corporation for purposes of borrowing) there shall be substituted the following section:—

531. (1) The Corporation may from time to time borrow any money necessary for the purposes of this Order to which capital is properly applicable and for which borrowing powers are not otherwise available 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 the preceding subsection shall be repaid within forty years from the date or dates of borrowing the same.”.

15. In section 535 (Power to lend to certain public and other bodies) for the words from and including “(a)” to “(d)” there shall be substituted:—

- “ (a) any other local authority;
- (b) any joint board on which the Corporation are represented and
- (c) ”.

16. In the proviso to paragraph (a) of subsection (5) of section 607 (Actuary's certificates and periodical valuation of superannuation funds) the words “, the water undertaking ” shall be omitted.

17. In section 607 (Extension of permitted hours for sale of excisable liquor in Lyceum Theatre) for the words “ retailer's on-licence under 1952 c. 44. the Customs and Excise Act 1952 ” there shall be substituted, and shall be deemed to have been substituted since 1st October, 1967, the words “ licence as a theatre under any enactment ”.

18. For subsection (2) of section 676 (Repeal of Acts, etc.) there shall be substituted the following subsection:—

“ (2) 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 reckonable previous service) which shall continue in force and have effect to the like extent as they were in force and had effect immediately before 10th May, 1967.”.

19. In subsection (1) of section 677 (Saving from effect of repeal) paragraphs (e) (g) and (k) shall be omitted.

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