

**ELIZABETH II**



**1973 CHAPTER xxxiv**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Edinburgh Corporation (No. 2).

[6th December 1973]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has 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 1936 c. 52. Order should be confirmed by Parliament:

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 (No. 2) Order Confirmation Act 1973. Short title.

## SCHEDULE

### EDINBURGH CORPORATION (No. 2)

*Provisional Order to confer powers on the Corporation of the city of Edinburgh with respect to the local government and administration of the city, including provisions as to stray dogs, the granting of certificates for the sale of excisable liquor at the King's Theatre, refuse collection and the control of the distribution of handbills in streets; to amend and repeal certain provisions of the Edinburgh Corporation Order 1967; 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:

1906 c. 32.

And whereas it is expedient to confer powers on the Corporation with respect to the provisions of section 3 of the Dogs Act 1906 and to appoint officers for the purposes thereof:

1948 c. 26.

And whereas it is expedient that the limit of time imposed by section 4 of the Edinburgh Corporation Order 1969 during which the provisions of section 132 (11) of the Local Government Act 1948 shall not apply in relation to the King's Theatre, Edinburgh, shall be removed:

And whereas it is expedient that the Corporation should be empowered to make byelaws prescribing the type, size and construction of receptacles and containers for refuse and that the Corporation should be authorised to procure, supply and sell sacks, sackholders, bins and containers:

And whereas it is expedient that certain provisions of the Edinburgh Corporation Order 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:

1936 c. 52.

And whereas the purposes aforesaid cannot be effected without an 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:—

Short and  
collective  
titles.

1.—(1) This Order may be cited as the Edinburgh Corporation (No. 2) Order 1973.

(2) This Order shall be included among the Orders which may be cited together as the Edinburgh Corporation Orders 1967 to 1973.

Interpretation.

2.—(1) In this Order, unless there is something in the subject or context repugnant to such construction, words and expressions to which meanings are assigned by the Edinburgh Corporation Orders 1967 to 1973 shall have the same respective meanings and "Order of 1967" means the Edinburgh Corporation Order 1967.

(2) 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.

3.—(1) In its application to the city section 3 (Seizure of stray dogs) of the Dogs Act 1906 shall be read and have effect as if the following subsections were substituted for subsections (1) to (7) of that section:—

Amendment of  
section 3 of  
Dogs Act  
1906.  
1906 c. 32.

“(1) Where a police officer or a duly authorised officer of the Corporation has reason to believe that any dog found in a highway or place of public resort is a stray dog, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police, or any person authorised by him in that behalf, or the Corporation as the case may be, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

(a) by delivering it to the person on whom it is to be served; or

(b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or

(c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police, or any person authorised by him in that behalf, or the Corporation as the case may be, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the Corporation shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public on payment of a fee of five pence.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray

dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection by the public on payment of a fee not exceeding five pence."

(2) The Corporation may appoint such officers as they consider necessary for the discharge of the functions of the Corporation under this section.

King's  
Theatre.  
1948 c. 26.

4. Section 4 (As to application of section 132 of Local Government Act 1948 to King's Theatre) of the Edinburgh Corporation Order 1969 shall be read and have effect as if the words "until 28th May 1975" were omitted therefrom.

Refuse  
containers.

5.—(1) In paragraph (a) of section 109 (Cleansing byelaws) of the Order of 1967 the following sub-paragraph shall be added at the end thereof:—

"(iv) prescribing the type, size and construction of receptacles and containers for refuse and prohibiting the use of any other type."

(2) The Corporation may, in connection with the discharge of their functions under Part X (Cleansing) of the Order of 1967, procure supply and sell sacks, sackholders, bins and containers for the collection of refuse.

Amendments  
and repeals.

6.—(1) Schedule 12 to the Order of 1967 so far as it relates to section 292 (Evasion dues) of the Edinburgh Corporation Order 1933 is hereby repealed.

(2) For subsection (1) of section 467 (Offences relating to amenity) of the Order of 1967 there shall be substituted the following subsection:—

"(1) (a) A person shall not—

- (i) in any street distribute any handbill for the purpose of selling or advertising any article or obtaining custom or
- (ii) lay or spread out any handbill on the surface of any street.

(b) In this subsection 'handbill' includes a pamphlet, leaflet or other printed matter or article."

Costs of Order.

7. 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.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament  
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

5p net

ISBN 0 10 513473 2