

**CHAPTER cclxxix.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Greenock Corporation. A.D. 1901.
[17th August 1901.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the Greenock Corporation Order Confirmation Act 1901. Short title.

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SCHEDULE.

GREENOCK CORPORATION.

*Provisional Order for conferring further powers on the Town Council
of the Burgh of Greenock and for other purposes.*

WHEREAS the burgh of Greenock in the county of Renfrew is under the government for municipal purposes of the provost magistrates and councillors thereof (in this Order called "the Corporation"):

And whereas by the Town Councils (Scotland) Act 1900 (section 8) it is enacted that in any burgh the whole rights powers authorities duties liabilities debts officers and servants (a) of commissioners under the Burgh Police (Scotland) Act 1892 and (b) of any body of police gas or water commissioners consisting exclusively of members of the town council and (c) of the burgh local authority under the Public Health (Scotland) Act 1897 and the whole lands works and other assets vested in them respectively shall in so far as this has not already been effected be transferred to imposed on and vested in the town council and all bonds and other deeds granted by such commissioners or local authority shall be binding on the town council and every reference in any Act of Parliament byelaw regulation order scheme deed or instrument to such commissioners or local authority shall after the commencement of that Act be read and construed as referring to the town council or to the individual councillors as the case may be and except in so far as is by that Act otherwise directed or as the town council may otherwise resolve it shall not be necessary to hold separate or special meetings for the transaction of business arising out of the powers of police gas or water commissioners or of the local authority thereby transferred or to keep separate minute books therefor Provided that nothing in that section or Act contained shall be held to amalgamate any burghs or the councils thereof or any funds or other effects separately administered at the commencement of that Act or to alter any rating area or to add to or diminish or otherwise affect existing security for debt or existing burdens on any common good or to make competent any payment or any giving in security or any addition to the burden on any common good which before the commencement of that Act would have been incompetent: o

And whereas by the Greenock Police Act 1877 (in this Order called "the Act of 1877") the board of police of Greenock (in this Order called "the board of police") was incorporated as the police gas cleansing lighting street and sewer formation tramway public parks and sanitary authority of the town and burgh of Greenock and by the Greenock Burgh Extension Act 1882 (in this Order called "the Act of 1882") it was enacted that the board of police should consist exclusively of the members of the town council and by the

Greenock Corporation Act 1893 (in this Order called "the Act of 1893") increased duties and powers were vested in the Corporation and the board of police respectively : A.D. 1901.

And whereas under the Greenock Water Acts 1866 1869 and 1875 the water trust of Greenock (in this Order called "the water trust") was incorporated under that name to manage the then existing undertaking for the supply of water to Greenock the undertaking of the Shaws Water Joint Stock Company and the further extension of the waterworks of these respective undertakings and consists exclusively of members of the town council :

And whereas in the year 1877 by an Act intituled "An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the improvement of unhealthy areas in the Parliamentary Burgh of Greenock" a scheme made under the Artizans and Labourers Dwellings Improvement (Scotland) Act 1875 was confirmed And whereas by the Housing of the Working Classes Act 1890 the said last-mentioned Act was repealed and it was enacted that any houses land or premises held under the Act of 1875 should be deemed to be held under the said Act of 1890 :

And whereas by the Greenock Street Tramways Act 1871 the board of police was authorised to construct and work street tramways in the burgh of Greenock (herein-after called "the burgh") and the said tramways so far as constructed are leased to the Greenock and Port Glasgow Tramways Company under and by virtue of the powers contained in the Greenock and Port Glasgow Tramways Acts 1887 and 1899 :

And whereas under the Roads and Bridges (Scotland) Act 1878 the burgh local authority under that Act was declared to be the local authority having the control and management of the streets of any burgh and such control and management has been vested in and exercised by the board of police since the date of the passing of said Act :

And whereas the board of police have hitherto been the undertakers for the supply of electric energy within the burgh under the Greenock Electric Lighting Order 1883 and have supplied the same :

And whereas doubts have arisen as to the effect of section 117 (Saving of Local Acts &c.) of the Town Councils (Scotland) Act 1900 and it is expedient that the Corporation should be and be declared to be the sole authority for all the purposes hitherto under the control of the board of police and the water trust respectively anything in the Local Acts relating to the burgh to the contrary notwithstanding :

And whereas it is expedient that the said Local Acts should be amended and that further powers for the said purposes in this Order contained should be granted to the Corporation :

And whereas it is expedient that the Corporation should be empowered to make and maintain within the burgh the new street herein-after described and to acquire lands for the purposes thereof :

And whereas it is expedient that further provisions should be made relative to streets sewers and buildings and that the Corporation should be empowered to make byelaws for those purposes and for carrying such regulations into effect and should be authorised to borrow further moneys for police and sanitary purposes :

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— And whereas it is expedient that further powers should be conferred upon the Corporation in reference to street betting the granting of licences and other matters affecting the good government of the burgh :

And whereas it is expedient that the Corporation should be authorised by agreement with consumers to wire and fit up premises and to supply electric fittings and subject to the provisions of this Order to supply electric energy outside the burgh and subject to the provisions of the Electric Lighting Acts to borrow money for such purposes :

And whereas the board of police were authorised to borrow and have borrowed for gas purposes and expended the sum of one hundred and fifty thousand pounds :

And whereas the consumption of gas within the burgh has largely increased and is increasing and to meet such increase and for the general purposes of their gas undertaking it is expedient that the Corporation should be authorised to borrow further moneys and to form a contingent or reserve fund and that the further powers in that behalf in this Order contained should be conferred on the Corporation :

And whereas it is expedient that the illuminating power of gas which under the Greenock Police Improvement and Gas Act 1871 as modified by the Act of 1882 the board of police were required to maintain should be still further reduced :

And whereas it is expedient that the powers in this Order contained for the protection of the water supply from pollution should be conferred upon the Corporation and that they should be authorised to borrow further moneys for the aforesaid purpose and other the purposes of their water undertaking and to take lands by agreement and hold or sell or lease the same :

And whereas plans and sections showing the lines situations and levels of the street improvements authorised by this Order and also a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerk of the county of Renfrew at his offices in Paisley and Greenock and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

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

1. This Order may be cited as the Greenock Corporation Order 1901.

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

Part I.—Preliminary.

Part II.—Street Improvements.

Part III.—Acquisition of Lands.

Part IV.—Streets.

Part V.—Ventilation of Block Buildings.

Part VI.—Sewers Drains Cesspools &c.

Short title.

Division of
Order into
Parts.

- Part VII.—Height of Buildings.
 Part VIII.—Sites and Construction of Buildings.
 Part IX.—Noxious Businesses.
 Part X.—Theatres and Public Buildings.
 Part XI.—Special Provisions for certain Buildings.
 Part XII.—Scaffolding Barricades &c.
 Part XIII.—Procedure Expenses Notices &c.
 Part XIV.—Byelaws and Penalties.
 Part XV.—Savings &c.
 Part XVI.—Miscellaneous Police Regulations.
 Part XVII.—Electric Energy.
 Part XVIII.—Gas and Water.
 Part XIX.—Finance.
 Part XX.—Miscellaneous.

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PART I.

PRELIMINARY.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order. Incorporation
of Acts.

4. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

5. The following words and expressions in this Order have the meanings assigned to them in this section (that is to say):— Further inter-
pretations.

“The burgh” means for purposes of police and sanitary jurisdiction and powers the burgh of Greenock as defined by section 5 of the Act of 1877 and for all other purposes means so much of the said burgh as is not below low-water mark ;

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

“The magistrates” means the magistrates of the burgh for the time being and includes the provost and “magistrate” when used in this Order or in the portions of the Burgh Police (Scotland) Act 1892 or other Acts incorporated with this Order means the provost or one or more of the bailies of the burgh officiating in the police court otherwise acting in pursuance of this Order or the dean of guild of the burgh when officiating in the dean of guild court ;

“The board of police” or “the board” means the board of police of Greenock ;

“The water trust” or “the trust” means the water trust of Greenock ;

“The sheriff” means the sheriff of the counties of Renfrew and Bute and includes his substitutes and “the sheriff clerk” means the sheriff clerk of the county of Renfrew and includes his deputes ;

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- “The Act of 1871” means the Greenock Police Improvement and Gas Act 1871 ;
- “The Act of 1875” means the Greenock Police and Improvement Act 1875 ;
- “The Act of 1877” means the Greenock Police Act 1877 ;
- “The Act of 1882” means the Greenock Burgh Extension Act 1882 ;
- “The Act of 1893” means the Greenock Corporation Act 1893 ;
- “The Police Acts” means the Acts of 1871 1875 1877 and 1893 ;
- “The Water Acts” means the Greenock Water Acts 1866 1869 and 1875 ;
- “The Local Acts” means the Greenock Police Improvement and Gas Act 1871 the Greenock Police and Improvement Act 1875 the Greenock Improvement Provisional Order Confirmation Act 1877 the Greenock Police Act 1877 the Greenock Burgh Extension Act 1882 the Greenock Corporation Act 1893 the Greenock Water Acts 1866 1869 and 1875 the Greenock Street Tramways Act 1871 the Greenock Electric Lighting Order 1883 and any other Local Acts or Orders relating to the burgh so far as the same are now in force and unrepealed ;
- “Daily penalty” means a penalty for each day an offence continues after conviction thereof ;
- “The town clerk” “the procurator fiscal” “the chief constable” and “the master of works” mean respectively the town clerk the procurator fiscal or the procurators fiscal or any of them so long as there is more than one the chief constable and the master of works of the burgh and any officer lawfully acting as the deputy of any of them respectively ;
- “Sanitary inspector” means any person appointed by the Corporation to act as sanitary inspector under the Public Health (Scotland) Act 1897 ;
- “Public building” means a building used or constructed adapted or altered to be used as a church chapel or other place of public worship or as a school or place of instruction or as a hospital theatre music hall public hall or other place of public assembly or a building used or constructed or adapted to be used as an hotel lodging-house home or shelter where such building extends to two hundred and fifty thousand cubic feet or has sleeping accommodation for not less than one hundred persons :

Any words and expressions in this Order not herein-before defined but corresponding and similar to words and expressions defined in section 3 of the Act of 1877 shall have the same meanings assigned to them in this Order as in that Act excepting where otherwise expressed in this Order and unless there be something in the subject or context repugnant to such construction.

Commence-
ment of Order

6. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as “the commencement of this Order.”

PART II.

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STREET IMPROVEMENTS.

7. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the new street herein-after described or some part or parts thereof with all proper works and conveniences connected therewith (that is to say) :—

Power to Corporation to make a new street.

A new street wholly situate within the burgh being a deviation of Ropework Street commencing at a point in Ropework Street 100 feet or thereby north-west from the centre line of Nicolson Street at its junction with Ropework Street and terminating in Laird Street at a point 110 feet or thereabouts southwards from the centre of Ropework Street at its present junction with Laird Street.

8. The new street authorised by this Part of this Order shall after the completion thereof be and become vested in the Corporation.

Ownership of new street.

9. The Corporation may on the completion of the new street authorised by this Part of this Order stop up and discontinue as a public street or thoroughfare so much of Ropework Street as is situate between the point of commencement of the new street and the junction of Laird Street with Ropework Street and the site and soil of that street when stopped up and discontinued shall be and the same are hereby vested in the Corporation freed and discharged from the public use thereof and all rights of way over the same shall cease.

Power to stop up portion of Ropework Street.

Nothing in this Order shall take away prejudice or extend any existing rights of any company or person in respect of any mains or pipes situate in the aforesaid portion of Ropework Street as they exist at the passing of the Act confirming this Order.

10. Subject to the provisions of this Order and within the limits defined on the deposited plans the Corporation in connexion with the works by this Part of this Order authorised or any of them and for the purposes thereof may make junctions and communications with any existing streets which may be intersected by or interfered with or be contiguous to the said works or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or any of them or otherwise.

Power to make subsidiary works.

11. For the purposes and during the execution of the works by this Part of this Order authorised and in maintaining the same the Corporation may use break up or cross over or under alter divert raise or stop up temporarily any streets roads lanes paths passages sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute

Power to divert and alter sewers &c.

A.D. 1901. before interrupting the traffic on any such street or the flow of water gas sewage or electricity in any such sewer drain pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to or authorise any interference with electric apparatus or other property of His Majesty's Postmaster-General :

Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Corporation
to form sewers
drains &c.

12. The Corporation may cause such parts of the new street authorised by this Part of this Order to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit and may construct erect and provide thereon or thereunder or connected therewith such vaults cellars arches sewers drains and other works and conveniences as they may think proper.

Limits of
lateral and
vertical
deviation.

13. In the construction of the works by this Part of this Order authorised the Corporation may deviate laterally to any extent not exceeding the limits of deviation defined on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Period for
completion
of works.

14. If the works described in and authorised by this Part of this Order are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

PART III.

ACQUISITION OF LANDS.

Power to take
lands.

15. Subject to the provisions of this Order the Corporation may enter upon take hold and use for the purposes of this Order or any of them all or any of the lands houses and property shown on the deposited plans and specified and described in the deposited book of reference.

Correction of
errors &c. in
deposited
plans and book
of reference.

16. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to such sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff clerk and a duplicate thereof shall be deposited with the town

clerk and such certificate and duplicate respectively shall be kept by the sheriff clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may enter upon take and use the lands and execute the works in accordance with such certificate.

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17. The Corporation may take down the whole or any part of the buildings situated on any part of the lands and property shown on the deposited plans as belonging to them or which may be acquired by them under the authority of this Order and sell and dispose of the materials thereof and may subject to the provisions of this Order as to the making and executing of the street improvements by this Order authorised lay out the said lands and property in such way and manner as they may deem best and may excamb sell or dispose of the ground or buildings or any part or portion thereof by public roup or private bargain or grant leases dispositions in feu contracts of ground annual or other deeds or conveyances of such ground or buildings or any part or portion thereof on such terms and subject to such conditions as they may determine and prescribe and generally they may deal with the lands houses and property acquired by them under this Order and any feu duties or ground annuals created by them as absolute proprietors thereof.

Power to take
down buildings
and lay out
lands.

18. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Persons under
disability
may grant
servitudes
&c.

19. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for
compulsory
purchase of
lands.

20.—(1) The Corporation shall not under the powers by this Order granted purchase or acquire in any district for the purposes of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were or have been since occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction
on taking
houses of
labouring
class.

(2) If the Corporation acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

A.D. 1901. — (3) For the purposes of this section the expression “house” means any house or part of a house occupied as a separate dwelling and the expression “labouring class” means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART IV.

STREETS.

Register of
public streets.

21.—(1) “The Register of Public Streets” kept under the Act of 1877 with the additions and alterations made or to be made thereon shall continue in force until the new register of public streets in this section provided for is completed.

Register and
map of streets.

(2)—(A) The Corporation shall on or before the first day of January in the year one thousand nine hundred and three or as soon as conveniently may be thereafter cause a register (herein-after referred to as “the register”) to be prepared of all the public streets then in existence in the burgh in which shall so far as is reasonably possible be entered with regard to each such street—

- (i.) The name ;
- (ii.) The situation by reference to numbers or other marks on the map in this section mentioned ;
- (iii.) The point of commencement and termination ;
- (iv.) The distance between the centre of the street and the building line where such building line is fixed by decree of the dean of guild or any resolution of the Corporation ;
- (v.) The character and description of the street and whether formerly turnpike road statute labour road or highway ;
- (vi.) Any other particulars not affecting rights of property which the Corporation may prescribe in pursuance of agreements between the Corporation and the owners of lands and heritages adjoining to and having a right of access by such street or in pursuance of any decree of the dean of guild :

The Corporation shall further on or before the said first day of January in the year one thousand nine hundred and three or as soon as conveniently may be thereafter cause the said streets to be marked and the area thereof coloured upon an Ordnance Survey map or maps of the town (in this section referred to as “the map”).

(B) The register and map shall on completion be placed in the office of the town clerk or other public office of the Corporation where they shall remain open for inspection by all persons interested for a period of three months from the date of the first publication of the notice after mentioned The Corporation shall insert a notice at least once a week for three successive weeks in one or more daily newspapers published in the town intimating the completion of the register and map and the time and place where the same may be inspected and further intimating that any person who may be

dissatisfied with any entry in the register or omission therefrom or with any relative marking on the map or omission therefrom may within the said period of three months appeal to the dean of guild and that the register and map will be deemed at the expiry of the said three months to fix conclusively the particulars as aforesaid of every public street unless in so far as the same may be altered on appeal or otherwise in manner hereafter provided for in this Order.

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(C) Any proprietor who may be aggrieved by any entry in the register or omission therefrom or by any relative marking on the map or omission therefrom may within the said period of three months appeal to the dean of guild against the same. The sheriff shall after the expiry of the said period of three months deal with any such appeal in a summary manner and may order any entry in the register or relative marking on the map to be deleted or altered or direct such other or further entry to be made in the register or marking to be made on the map as he shall think fit and his decision shall be final.

(D) In the event of the Corporation being satisfied at any time on the representation of the master of works or of any proprietor interested that in consequence of any error or omission the register or map with any alteration thereon that may have been made as aforesaid requires in any particular to be corrected altered or added to the Corporation may make application to the sheriff for decree to make such deletion correction alteration or addition to the register or map as may be necessary in the circumstances and the sheriff may after such advertisement or other intimation to persons interested as he may deem proper direct such deletion correction alteration or addition to be made as he may consider just and the same shall be made accordingly by the registrar (as herein-after defined) in terms of the decree of the sheriff.

(E) The register and map with any deletion alteration correction or addition that may be made in accordance with the foregoing provisions shall be docketed by the master of works and shall immediately thereon come into operation and shall fix conclusively the particulars as aforesaid of the streets therein entered.

(3) The master of works shall prepare and thereafter keep the register and map and shall be the registrar for the purposes of this Order.

Appointment
of registrar.

(4) It shall after the completion of the register and map be the duty of the registrar to enter in the register and mark on the map any street which is thenceforward declared by the dean of guild or by the Corporation to be a public street and also to enter in the register and mark on the map the several particulars herein-before mentioned relating thereto and any other particulars which are directed by the dean of guild or the Corporation to be entered in the register or to be marked on the map in pursuance of the provisions of the Police Acts and of this Order and the entries and descriptions in the register and the relative markings on the map shall be distinct from the original entries in the register and markings on the map and shall show the date of such entry and shall be conclusive evidence of what are public streets and of the said other particulars. The register and map shall be deposited with the registrar and the same or a copy thereof shall be open for inspection by any person interested during such hours as the Corporation

Registrar to
make entries
in register
from time to
time as
directed by
dean of guild
or Corporation.

A.D. 1901. may fix A copy certified by the registrar of any entry on the register or a copy certified by the registrar of any portion of the map shall be furnished to any applicant on payment of such fee as the Corporation may prescribe and any such copy certified as aforesaid shall be received as evidence in all courts.

Removal from register of street ceasing to exist.

(5) Where any public street or part thereof has from any reason ceased to exist as a public street the registrar shall on the resolution of the Corporation record in the register and on the map relating to such street or part thereof the date and effect of the said resolution. Where any public street or part thereof has by resolution of the Corporation been declared to be part of another public street and under the said resolution has received the name of that other public street the registrar shall record in the register and on the map the substituted name of the said street or part thereof and the date of such resolution.

Width of streets.

22. All new streets to be hereafter laid off shall be of a width of not less than fifty feet. Provided always that—

(A) Where the distance of the building lines from the centre of the street is at least thirty feet the minimum width of street may be forty feet;

(B) Where from the configuration of the ground the street can only be built upon on one side the minimum width of street may be thirty feet:

The provisions of this section shall not apply to a meuse lane court or back entrance to lands and heritages having entrance by another street.

PART V.

VENTILATION OF BLOCK BUILDINGS.

Ventilation of block buildings.

23. It shall not be lawful for the dean of guild to grant warrant for the erection in any new street of any building forming part of a square or block of buildings without his being satisfied that provision is made for two openings of not less than fifteen feet in width for the purposes of ventilation of the square. Provided that the said openings may be enclosed by a boundary wall or built upon to a height not exceeding fifteen feet above the street level and shall remain open above that height in all time coming. And provided further that this section shall not apply where the whole of the buildings of the said square or block are intended to be used and are used otherwise than as dwelling-houses.

PART VI.

SEWERS DRAINS CESSPOOLS &c.

Map to be made of sewers &c.

24.—(1) The Corporation shall cause to be laid down on copies of the Ordnance Survey map or maps of the burgh (A) the course and size and depth from the surface of the existing public sewers and so far as is desirable and reasonably possible of the common and private sewers (B) the lines of underground telegraph and telephone wires and cables so far as known and (C) the course and where possible the size and depth from the surface of all water and gas pipes and electricity mains and conduits within the burgh and shall cause the said maps to be corrected and kept corrected from time to time as may be required.

(2) Such maps or copies thereof shall be open to inspection by any person interested during such hours as the Corporation may fix. A.D. 1901.

25. The Corporation may if they think fit declare by resolution any common sewer or any private sewer in so far as it is a sewer for the drainage of the lands and heritages of more than one owner to be a public sewer and thereupon it shall vest in and be maintained by the Corporation. The provisions of this section shall not apply to any drain or sewer in private ground or connecting one building and the pertinents thereof with a public sewer although such building and pertinents belong to several owners. Corporation may take over sewers.

26. No new building shall be erected upon a lower level than will allow the drainage thereof to pass into a sufficient sewer and no floor of a new or existing building and no cellar or vault requiring drainage shall be formed at a lower depth than will admit of the drainage of the same passing to the satisfaction of the master of works into a sufficient sewer either then in existence or authorised to be constructed. No building to be erected upon a lower level than will permit of sufficient drainage.

27. The Corporation shall not be liable to provide drainage for cellars or vaults situate under the surface of any street or road or the footways thereof. Corporation not liable to provide drainage.

28. No steam and no hot water nor other liquid at a temperature exceeding one hundred degrees Fahrenheit shall be discharged into any sewer stream or watercourse except with the consent of the sanitary inspector and subject to such conditions as he may prescribe. Steam pipes into sewers.

29. No drain shall be built into or cemented to any wall or pass under the floor of a dwelling-house where any other method of drainage is in the opinion of the dean of guild practicable. If any such drain as aforesaid shall be allowed it shall be constructed of iron pipes of such dimensions as may be fixed and having such inspection eyes and means of access for flushing and repair as may be ordained by the dean of guild. Drains under floors.

PART VII.

HEIGHT OF BUILDINGS.

30.—(1) After the commencement of this Order no building other than a factory warehouse or store shall be erected in on or adjoining any street of a greater height than the width of such street except with the consent of the Corporation and in no case shall the height of any building exceed ninety feet except with the like consent : Height of buildings.

Provided that in the case of a street where the building lines are at least thirty feet from the centre of the street or in the case of a street where from the configuration of the ground the street can only be built upon on one side no building shall exceed fifty feet in height.

No addition shall be made to any existing building or to any building erected subsequently to the commencement of this Order so as to increase the height of such building beyond the height specified in this section except with the consent of the Corporation.

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In each of the cases referred to in this section the height shall be measured from the level of the pavement to the square of the building and shall be exclusive of ornamental towers turrets or other architectural features or decorations.

(2) The provisions of this section shall not apply to the rebuilding of any building existing at the commencement of this Order to its actual height at that date.

(3) Whenever application is made for the consent of the Corporation to the erection of any building of a greater height than that prescribed by this Order notice of the application shall be forthwith published by and at the expense of the applicant in such manner as the Corporation may direct and the application shall not be taken into consideration by the Corporation till twenty-one days after such publication and the owner or lessee of any lands or heritages within one hundred yards of the site of any intended building who shall within such period give notice in writing to the town clerk that he objects to the grant of such consent shall be entitled to be heard by the Corporation who shall deal with the application and the objection as to them may seem just.

PART VIII.

SITES AND CONSTRUCTION OF BUILDINGS.

(1)—SITES.

Incorporation
of provisions
of Burgh
Police (Scot-
land) Act
1892.

31. Sections 171 (Limit to number of houses in common stairs) and 180 (New houses &c. to be surveyed before occupation) and Rules for new buildings (1) (2) (8) (10) (11) (13) (14) and (17) of Schedule IV. of the Burgh Police (Scotland) Act 1892 are hereby incorporated with this Order but the provisions of Rule (17) shall only apply to tenements.

(2)—STRENGTH.

Strength of
buildings.

32.—(1) (A) All new buildings erected for use as dwelling-houses halls schools churches theatres music halls places for public meetings and warehouses stores factories and workshops and (B) all buildings erected after the passing of this Order which may hereafter be altered or adapted for use as aforesaid shall be designed and constructed so that the completed structure shall in addition to the weight of the materials of which it is composed be able to carry as a safe load the following minimum weights viz. :—

Dwelling-houses one hundred pounds per square foot of floor ;

Halls schools churches theatres music halls and places for public meetings one hundred and eighty pounds per square foot of floor ;

Warehouses stores factories and workshops two hundred and twenty-four pounds per square foot of floor :

For the purposes of this Part of this Order a safe load shall be held to be upon timber one-seventh upon wrought-iron one-fourth and upon cast-iron one-sixth of the breaking strain.

Weight on
upper floors.

(2) It shall not be lawful for any person hereafter to place or fit up on an upper floor of any existing or new building any heavy weight unless such building has been constructed or supported for the purpose and unless such

weight is supported upon beams or columns of stone brick iron or other incombustible material "Heavy weight" for the purposes of this subsection means and includes all machinery material goods or merchandise the weight of which exceeds two hundred and twenty-four pounds per square foot of floor space occupied thereby. A.D. 1901.

(3)—FOUNDATIONS.

33. The foundations of all walls shall be constructed of large flat bedded stones concrete bricks laid in cement or other suitable and substantial material and shall be laid at such depth as to secure a solid bed or stratum for building on Except where such foundations are in contact with an existing building or rest upon solid rock they shall project beyond the face of the wall on each side to the extent of one half of the thickness of the wall or to such greater extent as the dean of guild may consider necessary and where any foundations are laid at a lower level than the foundations of a wall contiguous thereto such contiguous wall shall be underbuilt and supported in a safe and satisfactory manner Where such contiguous wall has been built with projecting foundations or scarcements the person building against the same may in the absence of any contract or agreement with respect to the laying of such foundations or the removal of the projections thereof require the owner of such wall to cut off the scarcements of the foundations at and along the line of boundary and failing such owner complying with such requisition the person building may himself cut off such scarcements and charge the owner with the cost of the operation in so far as such cost exceeds the ordinary cost of excavating for a foundation of similar dimensions on such a site The diminution of the footing of every wall shall be formed in regular offsets. Foundations.

(4)—WALLS &C.

34. Every wall pier column and standard used or intended to be used as a support for any part of a building shall rest upon a sufficient foundation or upon a sufficient beam arch lintel or other support resting upon sufficient walls or piers and every such beam arch or lintel shall be of brick stone iron or other incombustible material and every column standard beam girder or other member forming part of any such wall or pier shall be firmly and truly laid on a sufficient bearing and securely fixed and attached to the other members of the structure All metal beams arches lintels or columns shall be sufficiently protected against fire to the satisfaction of the dean of guild. Walls to be founded.

35. Subject to any byelaws made under this Order walls shall be constructed of the material and in the manner and of not less than the thicknesses prescribed by this Order or by the schedule to this Order Provided that in buildings exceeding four storeys in height the dean of guild may sanction for the external walls of the storeys below the four uppermost storeys thicknesses less than the respective thicknesses prescribed in the said schedule if such walls are otherwise strengthened to his satisfaction by pilasters buttresses or counterforts. Structure and thickness of walls.

A.D. 1901.

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Walls to be
incombustible.

36. In every new building the external walls party walls cross walls and return walls and all walls and piers used or intended to be used to support any floor or roof and in tenements all passage walls between houses and all partition walls dividing separate houses and in domestic buildings (other than self-contained dwelling-houses) and in buildings of the warehouse class all staircases stairs and landings shall be constructed of stone brick or other hard and incombustible material.

Street floor
level of
dwelling-
houses.

37. The street floor level of all new dwelling-houses except those connected with shops shall be not less than twelve inches above the level of the adjoining street or ground. Whenever the floor of such dwelling-house is on or under the street level either the sleepers or joists of such floor shall be bedded on asphalt cement concrete or other impervious material or else the space under such floor shall be sufficiently ventilated. Provided that in any case in which in the judgment of the master of works the nature of the subsoil renders it necessary the whole internal area of the site shall be covered with a sufficient layer of asphalt cement concrete or other impervious material.

Hoists.

38. Wherever in connexion with any building a hoist or elevator is constructed within walls such walls shall be of fire-resisting material and if such hoist does not reach the topmost floor the space between such walls shall be provided at the top thereof with a ceiling of fire-resisting material and where any hoist reaches the topmost floor the walls thereof shall be carried up through the roof of the building to the height of not less than three feet.

(5)—CHIMNEYS FLUES FIREPLACES AND STOVES.

Chimney
stalks for
furnaces.

39. Every new chimney stalk or flue connected with the furnace of a steam boiler or other furnace for commercial or manufacturing purposes shall be built as high as the highest of the chimney tops of any buildings situate within one hundred feet thereof. The dean of guild may on the application of any person interested as owner tenant or occupier of any neighbouring building require any chimney stalk or flue connected with any such furnace to be carried up to a height sufficient to carry off the products of combustion without offence to the occupants of neighbouring buildings. Any person before adding to the number of furnaces connected with a chimney stalk or flue situate within one hundred feet of any building belonging to a different owner shall give notice thereof to the master of works and if required by the master of works shall apply to the dean of guild for decree to add to the number of such furnaces and the dean of guild may grant such decree upon such conditions as he may think proper.

Construction
&c. of
chimneys.

40.—(1) All new chimney stalks chimneys and flues shall be constructed to the satisfaction of the dean of guild and shall be of such materials and dimensions as may be prescribed by him or by any byelaw to be made under this Order.

(2) Every chimney head shall be sufficiently protected and where necessary shall be stayed to the roof of the building to the satisfaction of the dean of guild.

(3) No opening shall be made into any chimney or flue of any new or existing building for the purpose of inserting any ventilating valve or for any other purpose unless such opening is at least nine inches distant from any timber or other combustible substance.

(4) All chimneys and flues which are more than forty-five degrees off the perpendicular shall be provided with doors for inspection and cleaning which doors shall not be less than fifteen inches from any woodwork. All such chimneys and flues shall be of incombustible material and shall be not less than six inches in thickness on their upper sides.

(5) No person shall place any timber joist beam or woodwork in any wall or chimney breast of any new or existing building nearer than four and a half inches to any chimney opening or to the inside of any smoke flue or chimney or nearer than four and a half inches to any pipe for conveying smoke or other products of combustion or under any chimney opening nearer than seven inches to the upper surface of the hearth thereof nor shall any person drive a wooden plug or pin into any wall or chimney breast nearer than four and a half inches to any chimney opening or to the inside of any smoke flue or chimney.

(6) Where any smoke flue or chimney has been originally constructed for domestic purposes or for an open fire or grate and is used or is about to be used in connexion with a range or hot-plate for an hotel or eating-house or a furnace steam boiler baker's oven or close fire used for any commercial or manufacturing purpose the master of works may by notice require such operations to be executed upon such chimney or flue as may be necessary to prevent nuisance or risk of fire.

(7) A flue shall not be adapted to or used for any new oven furnace steam boiler or close fire used for any purpose of trade or business or to or for the range or cooking apparatus of any hotel or eating-house unless the flue be surrounded with brickwork or other incombustible material at least nine inches thick from the floor on which such oven furnace steam boiler or close fire is situate to the level of the ceiling of the room next above the same or higher if required by the dean of guild.

(8) No pipe for conveying smoke or other products of combustion shall be placed in any new or existing building or be permitted to remain in any existing building nearer than six inches to any timber or other combustible substance. Where any such pipe passes through a roof or floor or through any wall or partition which is not built of brick stone or other incombustible material it shall be adequately protected against risk of fire to the satisfaction of the master of works.

(9) The owner and the occupier of any existing building on which any pipe of the nature defined in the immediately preceding subsection shall have been fixed before the passing of this Order shall remove such pipe within one month after notice from the master of works requiring them to do so.

For the purposes of this section the master of works and the inspector of fires or any assistant appointed by either of them may at all reasonable times examine any chimney or flue.

A.D. 1901.

Stoves on
floors.

41. No stove oven or steam boiler used for any commercial or manufacturing purpose shall be placed on a wooden floor of any new or existing building unless with the sanction of the master of works and subject to such conditions as may be prescribed in any byelaw to be made under this Order.

(6)—STAIRS.

Stairs to be
supported.

42. In all new buildings every common stair having an open well-hole shall have the landings supported by iron or steel beams and otherwise the whole stair shall be supported to the satisfaction of the master of works.

PART IX.

NOXIOUS BUSINESSES.

Rooms over
stables &c.

43. Every dwelling-house or habitable room constructed over a stable bakehouse laundry washing-house restaurant kitchen or other premises from which effluvia vapours or fumes arise shall be separated from such stable or other premises by a floor consisting of concrete of good quality or of other solid material and properly supported. The concrete or other solid material shall be of such thickness and the floor shall in all respects be such as the dean of guild shall determine.

Any staircase or gallery or structure by which such dwelling-house or habitable room shall be approached shall be separated by a wall of stone brick or other incombustible material not less than nine inches in thickness from any stable bakehouse laundry washing-house restaurant kitchen or other premises as aforesaid to which it may adjoin.

The provisions of this section shall unless the dean of guild shall otherwise determine apply to new and existing buildings except such dwelling-houses and habitable rooms as are at the date of the commencement of this Order constructed or used over stables.

Where dwelling-houses and habitable rooms are at the date of the commencement of this Order constructed or used over stables the owners of such stables shall within five years from the commencement of this Order and to the satisfaction of the master of works plaster with cement the ceilings of such stables.

PART X.

THEATRES AND PUBLIC BUILDINGS.

Theatres &c.
to be isolated.

44. No theatre music hall or circus (all which places are herein-after in this Part of this Order included in the expression "theatre") shall hereafter be built to accommodate more than one thousand persons unless on three sides at least it is distant fifteen feet from the nearest building and is provided with sufficient exits giving direct access to at least two public streets.

Every wall and floor of any theatre in contact with any other building or premises separately occupied from such theatre shall be made fireproof.

No theatre shall hereafter be built with the principal floor of the auditorium more than three feet above the level of the street in which the principal entrance is situate.

Every passage of any theatre through or in contact with any other building or separately occupied premises shall be made fireproof and shall be provided or fitted with double iron doors separating it from such other building or premises. A.D. 1901.

No existing building shall hereafter be altered into or adapted for the purposes of a theatre unless the conditions of this Part of this Order are complied with.

45.—(1) The walls and floors of all lobbies corridors and staircases and all stairs in any new public building shall be built of stone brick or other incombustible material and shall be so placed that from every part of the building there is adequate and safe exit. The treads of the steps of a stair from landing to landing shall be throughout of a uniform width and the risers of each of such steps shall be of a uniform height. Accesses &c.
of public
buildings.

(2) All entrances passages corridors stairs and other means of ingress and egress to or from public buildings other than hotels shall while such buildings are being used be sufficiently lighted and be kept in good order and repair and free from impediment or obstruction and all exit doors shall open outwards and shall with all barriers be so constructed as to yield to slight pressure from within.

(3) In theatres every floor or section of a floor shall be provided with a separate exit. Adequate and safe means of exit shall be provided for the performers and their rooms shall be constructed of incombustible material and shall be properly lighted drained and ventilated. The word "Exit" or the words "Way out" shall be conspicuously exhibited at each exit door.

(4) The exits from public buildings other than hotels and from each floor or section thereof shall when taken together be not less than one foot in width for every fifty persons who can be seated within the building or floor or section thereof and the minimum width of any exit shall be four feet.

(5) In theatres the seats in the auditorium if arranged in rows shall be intersected by at least one passage four feet wide and side passages at least two feet six inches wide shall also be provided.

46. The dean of guild may on the application of the master of works and sanitary inspector cause any new or existing public building to be inspected by one or more men of skill and may after hearing any person interested order or direct such works to be executed by the owner of such building for the adequate drainage and ventilation of such building and for providing sufficient means of access to and exit from such building and for the protection of the public from fire and other dangers as to the dean of guild shall seem fit. The dean of guild may interdict prevent and stop the use of any such public building unless and until such works so far as relating to the protection of the public from fire and other dangers have been executed in terms of his order or direction and to his satisfaction. Any person failing to comply with any such order or direction so far as relating to the protection of the public from fire and other dangers granted by the dean of guild under this section shall be liable to a penalty not exceeding twenty-five pounds and any person failing to observe or obey any interdict granted by the dean of guild under this section shall be liable to a penalty not exceeding twenty-five pounds for every Inspection
of public
buildings.

A.D. 1901. occasion on which such building is used in contravention of any such interdict granted by the dean of guild Any person failing to comply with any such order or direction so far as relating to the adequate drainage and ventilation of such building or the providing of sufficient means of access to and exit from such building shall be liable in the penalties provided for in the section of this Order the marginal note of which is "Penalties":

Provided that in any case where any such order or interdict has been granted and an appeal taken such order or interdict shall not be operative until the whole cause has been decided on the merits by the Court of Session and the Court of Session shall have power in any case where they may think proper to ordain the appellant to find caution as a condition of being allowed to insist on the appeal.

PART XI.

SPECIAL PROVISIONS FOR CERTAIN BUILDINGS.

Cubic contents
of dwelling-
houses.

47. No dwelling-house shall hereafter be provided or constructed in any new or existing building which shall exclusive of any lobbies closets presses and recesses therein be of less than the dimensions following viz. :—

Dwelling-houses of one apartment one thousand cubic feet ;

Dwelling-houses of two apartments one thousand six hundred cubic feet ;

Dwelling-houses of three apartments two thousand four hundred cubic feet :

And no existing dwelling-house shall hereafter be altered in such a manner that such dwelling-house shall exclusive of any lobbies closets presses and recesses therein be of less than the dimensions aforesaid.

The provisions of this section shall not prevent the restoration according to the original plan of dwelling-houses destroyed by fire provided the building is not destroyed or taken down below the level of the first floor.

For the purposes of this section the word "recesses" means and includes any recess which being in a room of a dwelling-house and having no separate window is not open from front to back from floor to ceiling and from side to side and free of fixtures.

Height of
ceilings.

48.—(1) Every apartment on the basement and on the street floors of any dwelling-house or tenement constructed after the commencement of this Order shall be at least nine feet six inches in height from floor to ceiling and every other apartment in such dwelling-house or tenement except attic rooms shall be at least nine feet in height from floor to ceiling and every apartment in an attic storey in such dwelling-house or tenement shall be at least eight feet in height from floor to ceiling throughout not less than one half of the area of the room There shall not be more than one habitable storey in any roof.

(2) Every workroom shall be at least ten feet in height from floor to ceiling except attic rooms which shall not be less than eight feet in height.

Enclosed beds.

49.—(1) No new dwelling-house shall contain an enclosed bed or a bed recess which is not open in front for three fourths of its length and from floor to ceiling but such recess shall be deemed to be open although it is crossed by a carrying beam close to the ceiling.

(2) No existing dwelling-house which contains any enclosed bed or bed recess shall be altered so as to increase the number of houses or occupancies unless all such enclosed beds and bed recesses are opened up as aforesaid. A.D. 1901.

50. Every addition to or alteration of any building and any other work made or done for any purpose in to or upon any building which may affect its sanitary condition air space or structural security or increase its dimensions shall so far as regards such addition or alteration or other work be subject to the provisions of the Local Acts and this Order and of the byelaws which may be made by the Corporation with respect to the construction of new buildings. Additions to and alterations of buildings.

51. Where any part of a building is occupied as a theatre music hall or other place of public amusement or as premises for making storing or selling hazardous goods no person shall let or take on lease or suffer to be used as a dwelling-house any part of such building situated above or abutting on such theatre or other premises unless such dwelling-house is completely separated therefrom by a fireproof floor and walls and the staircase stairs and passages leading to such dwelling-house are fireproof and completely disconnected from the other parts of the building. Houses above dangerous buildings.

For the purposes of this section premises for making storing or selling hazardous goods mean and include asphalt works benzine or benzole distilleries candle factories creosote works firework factories japan works lucifer-match works naphtha works petroleum works oil works pitch tar and resin works tarpaulin works turpentine and varnish works stores for all or any of the foregoing goods and any other premises of a hazardous nature that may be defined in any byelaw made under this Order The provisions of this section shall apply to all new and existing buildings but shall not apply (1) to any part of a building in which small quantities of all or any of the foregoing goods are kept for use or are sold or kept for sale by retail only along with other articles of merchandise or (2) to any building in which the only dwelling-house therein is that of the caretaker of such building.

52. Where any warehouse occupies more than two floors of a building no person shall occupy or use in connexion therewith any workrooms in which more than ten persons are employed if such workrooms are situated above the first floor and in direct communication with such warehouse unless such workrooms are provided with a passage and stair giving access to a street or court and are enclosed within walls of stone brick or other incombustible material Where such stair gives access to the ground floor of such warehouse at or near to an existing door or other satisfactory outlet the dean of guild may dispense with a separate fireproof access to a street or court. Workrooms above large warehouses.

53. Wherever more than forty persons are employed on any storey or storeys of a building above the first floor thereof and access to such storey or storeys is provided by a stair which is not enclosed within walls built of stone brick or other incombustible material and communicating direct with a street or court the owner or owners of such storey or storeys shall provide adequate and safe means of exit to be available in case of fire for the persons employed in such storey or storeys The provisions of this section shall apply to all new Workrooms on upper floors.

A.D. 1901. — and existing buildings The provisions of this section and the section of this Order whereof the marginal note is "Workrooms above large warehouses" shall not apply to factories as defined by the Factory and Workshop Acts 1878 to 1895.

Means of escape at top of high buildings.

54. Every building containing any storey the upper surface of the floor whereof is above sixty feet from the street level shall be provided on such storey with such means of escape in the case of fire for the persons dwelling or employed therein as can be reasonably required under the circumstances of the case and no such storey of such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with.

The provisions of this section shall after the expiry of five years from the commencement of this Order apply to existing buildings.

Conditions with respect to installations for electric light.

55. Any installation for electric light in any new or existing building shall be subject to such regulations and conditions for securing the safety of the public and for the prevention of fire as the Corporation may prescribe :

Provided that no such regulations or conditions shall have any force or effect unless and until they have been confirmed by the Board of Trade and published in such manner as the Board of Trade may direct.

PART XII.

SCAFFOLDING BARRICADES &C.

Safety of platforms &c.

56. Every roof of a new or existing building and every platform balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for any person or persons shall be safely constructed and secured and provided with sufficient access and exit all to the satisfaction of the master of works.

Any person who uses or allows to be used in contravention of this section any roof of a new or existing building or any platform balcony or structure not so safely constructed or secured or who neglects to comply with the provisions of this section or of any decree or any notice or requisition of the master of works in respect thereof shall be guilty of a guild offence and liable to a penalty not exceeding fifty pounds.

No person shall erect any platform balcony or other structure which is intended to be let or used as aforesaid until he shall have obtained from the dean of guild a decree to authorise the erection of such platform balcony or other structure.

Every person who intends so to let or use any such roof platform balcony or other structure or part thereof shall give written notice of such intention to the master of works at least three days before the date on which such structures are used or intended to be used.

Scaffolding &c.

57. The dean of guild shall on the application of the master of works have power to prohibit and stop the erection use or employment of any crane scaffolding staging or shoring in or connected with the construction and erection or demolition alteration repair or securing of any new or existing

building house or structure or in or connected with any excavations in connexion with any work authorised by the dean of guild where such crane scaffolding staging or shoring is in the judgment of the master of works liable to cause danger Any person contravening such prohibition whether interim or final shall be guilty of a guild offence and liable to a penalty not exceeding twenty pounds and to a penalty of five pounds for each day during which such contravention is continued after such prohibition.

A.D. 1901.

58. Before commencing to take down or remove any new or existing building and also before commencing to erect any building the owner shall give two clear days' notice in writing to the master of works and shall when required by the master of works construct and erect a hoarding or barricade for the protection of persons using any street or court and a footway for passengers and also a substantial overhead covering and provide a suitable channel for the drainage of the street or court all of such description materials and dimensions and in such position as the master of works may direct During the continuance of such operations such owner shall keep and maintain such hoarding or barricade and such footway overhead covering and channel in good condition and shall regularly cleanse such footway all to the satisfaction of the master of works Until such hoarding or barricade and other works aforesaid are constructed erected and provided to the satisfaction of the master of works and while and so long as they are not maintained as aforesaid the master of works shall be entitled to prohibit and stop all operations in connexion with the taking down removal or erection of such buildings Such hoardings except with the consent of the Corporation shall not be used for advertising purposes unless by the tenants or occupants of the premises at which such hoardings are erected.

Hoardings
and barricades.

PART XIII.

PROCEDURE EXPENSES NOTICES &C.

59. An extract from a minute of a meeting of the Corporation or of a committee appointed by the Corporation certified by the town clerk shall be sufficient evidence of the resolution recorded in such minute.

Evidence of
resolutions.

60. Every petition in which decree or warrant has been granted shall be a depending process in the dean of guild court until the buildings alterations streets or other works thereby sanctioned have been completed to the satisfaction of the dean of guild or until such decree or warrant shall have been recalled or shall have lapsed as herein-after provided and the master of works or other person interested may appear in such process by motion as occasion may arise.

Petitions for
decree to be
depending
processes.

The master of works shall report to the dean of guild any failure to adhere to or carry out the plans of any building alteration street or other work sanctioned by the dean of guild or to comply with the terms of any decree or warrant or of the Police Acts or of this Order or of any byelaw made thereunder The dean of guild shall adjudicate upon such report and may deal with any failure to adhere to or carry out the said plans or to comply with the terms of such decree warrant Police Acts Order or byelaws as a guild offence.

A.D. 1901.

Whenever the dean of guild is satisfied that the work authorised by any decree or warrant has been stopped or the completion thereof unduly delayed he shall have power to recall such decree or warrant and to order any uncompleted building alteration street or work to be taken down completed stopped up or otherwise dealt with as he may consider just and to order the removal of any hoarding or barricade and the restoration of the street A decree or warrant shall lapse where the work thereby authorised has not been commenced within one year from the date of such decree or warrant but the dean of guild may within one year from the date of such lapsing on the application of the petitioner and after due intimation to all parties entitled to appear in the process and after hearing such of those parties as may appear revive such decree or warrant subject to such terms and conditions as he may determine.

The provisions of this section shall not affect the finality of the decree or warrant or the right of appeal to the Court of Session on such decree or warrant being pronounced.

Succeeding
owners.

61. The person by whom or on whose order any building is being erected or altered or any street or sewer made or any work done if other than the petitioner in whose favour the decree or warrant of the dean of guild has been granted for the doing thereof shall be liable for the due observance of the terms of such decree or warrant and of the provisions of the Police Acts and of this Order and any byelaw made thereunder and shall be subject to any penalty that may be incurred in consequence of the neglect or violation thereof but nothing herein contained shall exempt such petitioner from any liability resting upon or incurred by him.

Question of
expenses.

62. The dean of guild shall have power to decide all questions of expenses in any proceedings before him and to decern therefor.

Recovery of
costs.

63. Any costs or outlays of the Corporation or any of their officers or servants or the procurator fiscal incurred in the execution of the Police Acts or of this Order or of any byelaw made thereunder may where such costs or outlays are necessary to any process application or petition before the dean of guild and without prejudice to any other competent proceedings be recovered in a summary manner by motion before the dean of guild who may decern therefor against such party to the process as he may determine.

Cost of works
done by
Corporation
to be a real
lien.

64. Wherever under the provisions of the Police Acts or of this Order or of any byelaw made thereunder the Corporation or the master of works do any work or perform any operation upon the failure of the owner of any lands and heritages or other person to do or perform the same the cost of such work or operation together with the expense of any proceedings and any penalties shall form a real and preferable lien and burden on the lands and heritages on or in connexion with which such cost and expense have been incurred and may be recovered in any method competent from such lands and heritages as well as from such owner or other person by personal action or diligence Provided always that purchasers lenders and others acquiring right to such lands and heritages or any part thereof for value without notice of such lien

and burden shall not be affected thereby unless notice thereof has been registered in the general register of inhibitions and the keeper of the said register shall be bound to receive and register any notice under this section signed by the town clerk or any law agent on his behalf Provided also that nothing herein contained shall affect the rights and remedies of superiors for the recovery of their feu duties and casualties. A.D. 1901.
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65. In the following cases and at the following times (that is to say) :—

(A) Where a building or structure or work or any operation in or on any street pavement or footpath is about to be begun then two clear days before it is begun ; and

(B) Where a building or structure or work is after the commencement thereof suspended for any period exceeding one month then two clear days before it is resumed ;

Notices to be given to master of works by builders.

the owner of the site of such building structure or work or if such building structure or work is about to be carried out by any person other than such owner then such person shall give the master of works notice in writing of such beginning or resumption of work.

66. The master of works may apply or cause to be applied tests to determine the quality and strength of any material used or proposed to be used in the construction of any building street sewer or work and the owner of such building street sewer or work shall if required provide facilities and assistance to enable the master of works to test such quality and strength and the determination of the master of works as to such quality and strength shall be subject to the review of the dean of guild.

Testing strengths.

67. Wherever the master of works or any inspector appointed by him or by the Corporation finds any operation in progress or work being done or any materials being used contrary to this Order or to the Police Acts or to any byelaw made thereunder he may forthwith stop such operation work or use and may take precautions by the appointment of watchmen and otherwise to ensure that such operation or work or use shall not be resumed until the person concerned or the master of works or other officer entrusted with the cognizance of the matter in question has had an opportunity of bringing the same before the dean of guild or other competent tribunal.

Master of works may stop infringements.

PART XIV.

BYELAWS AND PENALTIES.

68. The Corporation may make byelaws with respect to the following matters (that is to say) :— Byelaws:

(1) The level width formation construction causewaying and paving of streets and intended streets and of the footpaths thereof and provision for the sewerage thereof the building lines of streets provision of secondary means of access where necessary for the purpose of the removal of house refuse and for other purposes ;

(2) The protection of trees shrubbery or ornamental or pleasure ground in streets ;

A.D. 1901.

- (3) The sites of buildings and their construction and the structure dimensions and form of walls foundations floors hearths staircases passages roofs and chimneys of buildings and the height of rooms in dwelling-houses ;
- (4) Provisions for securing stability of buildings and the prevention of fires and for purposes of health ;
- (5) The materials to be used in the coverings of the sites of buildings and in the construction of buildings ;
- (6) The protection of columns beams and other supports of buildings and the materials to be used for protection against fire ;
- (7) Projections over streets and courts ornaments overhanging walls recesses in walls openings in party and cross walls ;
- (8) The erection stability maintenance inspection and removal of scaffolding cranes barricades hoardings platforms and balconies the materials dimensions position and use of the same ;
- (9) The sufficiency of the space about buildings to secure a free circulation of air ;
- (10) The ventilation of buildings apartments and waterclosets ;
- (11) The paving of courts back courts areas and open spaces ;
- (12) The erection and height of and the materials to be used in boundary divisions between courts back courts and areas ;
- (13) The protection of dwelling-houses or occupied apartments above dangerous buildings ;
- (14) The position dimensions materials and structure of temporary buildings ;
- (15) The protection of dwelling-houses or occupied premises from fumes or effluvia arising from stables byres cow houses laundries wash-houses restaurants or other businesses ;
- (16) The position dimensions and structure of sewers drains and soil pipes waste pipes traps wash-houses waterclosets earth-closets privies ashpits portable dust-bins and cesspools ;
- (17) The construction capacity use and cleansing of cisterns and the flush of water for waterclosets ;
- (18) The removal of privies ashpits wash-houses and offices from courts back courts areas and open spaces ;
- (19) The closing of buildings or parts of buildings unfit for human habitation and the prohibition of their use for such habitation ;
- (20) The position dimensions and structure of chimneys vents and flues gas hot air and other pipes stoves furnaces and fireplaces and precautions against nuisance and fire in connexion therewith ;
- (21) The provision of means of exit in case of fire ;
- (22) Passages exits ventilation and precautions against fire in public buildings the regulation of such buildings and their use while open to the public the arrangement of the sitting accommodation and the number of persons to be admitted thereto ;
- (23) The provision of sanitary conveniences in public buildings ;

(24) Notices inspections tests plans procedure fees charges expenses costs and other matters incidental to the carrying into execution of the Local Acts and this Order and of any byelaws thereunder ;

(25) The prevention of alterations upon buildings of such a nature that if at first so constructed they would have contravened the provisions of the Police Acts and this Order or of any byelaws thereunder ;

(26) The lighting and ventilation of common stairs the providing and the structure and dimension of handrails therefor and the character and position of knobs guards or projections thereon ;

(27) The fittings and apparatus for supplying electricity in buildings ;

(28) The better carrying into effect the purposes and provisions of this Order.

Any byelaws with regard to matters mentioned in this section may be made so as to affect existing buildings and to remedy any defects therein.

No such byelaws shall be of any force if repugnant to the laws of Scotland or to the Local Acts or to the provisions of this Order.

No such byelaws (other than byelaws with regard to matters mentioned in subsection (27) of this section) shall take effect unless and until they have been confirmed by the Secretary for Scotland who is hereby empowered to allow with or without modification or to disallow the same and to determine to what extent any byelaw shall affect existing buildings and who for the aforesaid purposes shall have all the powers conferred on him by section 93 of the Local Government (Scotland) Act 1889 in relation to byelaws under that Act And no byelaw with regard to matters mentioned in subsection (27) of this section shall take effect unless and until it shall have been confirmed by the Board of Trade and published in such manner as the Board of Trade may direct.

All such byelaws when so confirmed shall be binding upon and be observed by all persons and shall be sufficient to justify all persons acting under the same.

No such byelaws shall be confirmed unless notice of intention to apply for confirmation has been given in one daily newspaper published in Greenock one month at least before the making of the application for such confirmation For such period of one month a copy of the proposed byelaws shall be kept at the office of the town clerk and be open to the inspection of any person during ordinary office hours without fee or reward The town clerk shall furnish any person who may apply for the same with a copy of such proposed byelaws on payment of sixpence for each such copy.

So soon as the Corporation shall have exercised the powers conferred on them by this section to make byelaws for any of the purposes mentioned therein the existing byelaws relating to the like subject matter shall be repealed but till the Corporation shall exercise the said powers in relation to any of the aforesaid purposes the existing byelaws for the like purpose shall so far as not inconsistent with the provisions of this Order remain of full force and effect.

69. Any person offending against any of the provisions of this Order or of any byelaw made thereunder shall in the case of a matter within the jurisdiction Penalties.

A.D. 1901. — of the dean of guild court be guilty of a guild offence and otherwise of a police offence and except where other provisions are made shall be liable to a penalty not exceeding five pounds and in addition to a penalty not exceeding one pound for every day during which the offence shall continue after decree or conviction.

Recovery of penalties.

70. A penalty for a guild offence under this Order or under any byelaw made under this Order shall be recoverable in the same manner and with the like remedies as a penalty for a guild offence under the Act of 1877 and when recovered shall be paid into the funds of the Corporation.

PART XV.

SAVINGS &C.

Saving for railway companies.

71. Without prejudice to any special statutory powers conferred upon any railway company the provisions of this Order shall not except with respect to streets sewers drains and sanitary matters apply to the railways or stations of any railway company or to buildings connected with such railways or stations other than buildings used for the purpose of human habitation so far as they are so used.

“Streets” in this section shall not include (1) any road forming part of any railway station depôt or station yard (2) any road formed or laid out by a railway company and used as an approach to such station depôt or station yard or to land used for railway purposes and wholly maintained by such railway company or (3) any private street or road the lands abutting on which and having right of access thereto belong wholly to a railway company.

Saving as to farm buildings &c.

72. The jurisdiction and powers conferred on the dean of guild by this Order or by the Acts of 1877 and 1893 shall not extend to farm buildings and shall not as respects the first buildings of any other kind which may be erected on ground unfeued at the date of the passing of the Act of 1877 extend further than is necessary for securing the safety of the public the stability of the buildings the prevention of fire and the proper drainage and satisfactory sanitary arrangements thereof.

Exemption of Crown property.

73. Without prejudice to any existing right of His Majesty there shall be exempted from the provisions of this Order every building structure or work vested in or in the occupation of His Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Saving of legal liability.

74. Compliance with the provisions of this Order or of any byelaw made under this Order or with any order of the dean of guild or any notice of the master of works or other officer or servant of the Corporation shall not relieve any person of any legal responsibility which he may otherwise incur All sizes dimensions and strengths prescribed in this Order or in any such byelaw shall be deemed to be minimum sizes dimensions and strengths except

where otherwise expressed and all limitations imposed by this Order or by any such byelaw are prohibitive and imply no permission. A.D. 1901.

PART XVI.

MISCELLANEOUS POLICE REGULATIONS.

75. If any person who conducts business of any kind in lotteries betting or gaming shall in any street engage in lotteries betting or gaming or do any act for the purpose of inducing or enabling any other person to engage in any lottery betting or gaming he shall be liable to a penalty not exceeding ten pounds. Penalty for betting in streets.

76.—(1) No person who occupies or uses any premises or any tent stall or other portable erection or structure within the burgh for the sale of ice cream or any similar article of food composed or made in whole or in part of or with milk or cream in this section referred to as "ice cream" shall open or use any such premises tent stall or other portable erection or structure for business on Sunday unless he shall have first obtained a licence so to do from the magistrates which licence it shall be in their power to grant for such hours and subject to such conditions as they shall specify in such licence. In the event of any person contravening this enactment or of any licence holder contravening the terms of his licence he shall be liable to a penalty not exceeding five pounds for each contravention and in addition he shall if a licence holder be liable in the case of a second or any subsequent conviction to the forfeiture of his licence : Regulation of ice-cream shops.

Provided that any person aggrieved by the refusal of any such licence may appeal to the sheriff who may if he considers that the licence has been unreasonably refused or withheld grant the same. If the Corporation for a period of three months after the date of an application to them for a licence delay either to grant or to refuse such licence such delay shall be held to be a refusal of the same and thereon any person aggrieved may appeal as aforesaid.

(2) In the application within the burgh of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under that section or relating to dairies cowsheds or milkshops and of the regulations made or to be made thereunder by the Corporation as the local authority of the burgh and of any other Act or Order enabling the Corporation in that behalf the following provisions shall unless there be something in the subject or context repugnant thereto have effect namely :—

"Milk" includes ice cream ;

"Purveyor of milk" includes maker of or dealer in ice cream ;

"Milk store" "milk shop" or "milk vessel" includes any premises shop stand stall cart barrow can vessel utensil or any other place vehicle article or thing used or intended to be used wholly or in part for the making of or dealing in or vending of ice cream.

77. Any person not holding a licence as a broker or marine store dealer from the magistrates who shall in any premises occupied or used by him within Buyers of old metal.

A.D. 1901. — the burgh purchase or receive (a) any scrap iron (whether malleable iron or cast iron) in weight not exceeding ten hundredweight (b) any broken old or disused metal of the class of metals mentioned in the list of metals in the schedule annexed to the Prevention of Crimes Act 1871 in quantity less in weight than the quantity therein set forth opposite each class of metal shall be liable to a penalty not exceeding five pounds in each of the following cases:—

- (1) If he shall not prior to the date of such purchase or receipt have notified the chief constable that he intends to purchase old iron or metal when opportunity occurs and to keep a book in which to enter such purchases and such purchases only :
- (2) If he shall not on the day of such purchase or receipt enter or cause to be entered the particulars relating to the purchase or receipt including the day and hour when purchased or received the name occupation and residence of the seller the weight of the metal and the price paid or agreed to be paid for the same :
- (3) If he shall not on demand show the book in which the entry relating to the purchase or receipt of any such metal shall have been made or should have been made to an officer of police authorised in writing by the chief constable to require the exhibition thereof :
- (4) Where the exhibition of an entry relating to any such metal is required as above if he shall at any time not being more than four days after the purchase or receipt of the same fail to produce to such authorised officer on demand the metal purchased or received in the state or condition in which it was when purchased or received by him.

Sellers of
second-hand
goods.

78. In any complaint charging a person with exercising or carrying on the trade or business of a broker within the meaning of section 311 of the General Police and Improvement (Scotland) Act 1862 as incorporated with section 131 of the Greenock Police Act 1877 without a licence from the magistrates to exercise or carry on such trade or business it shall be sufficient to constitute the offence to prove that the person charged had during the time charged not being less than one calendar month occupied or used the premises within the burgh specified in the complaint and had exposed therein for sale second-hand goods or articles Provided always that nothing herein shall be held to apply to premises occupied by any licensed pawnbroker for the sale of articles pledged with him and forfeited in terms of the Pawnbrokers Act 1872.

Incorporation
of sections of
1892 Police
Act.

79. Sections 124 (As to removal of dung) 125 (Penalty for conveying offensive matter at improper times) 270 (Hackney carriages to be licensed) and 272 (Regulations as to omnibuses or carriages plying within burgh) of the Burgh Police (Scotland) Act 1892 are hereby incorporated with this Order.

Regulation
of vehicles
plying for hire.

80.—(1) The owner of any omnibus tramway car job carriage or other carriage of whatever kind or description to be let for hire or employed or used in carrying passengers for hire within five miles of the principal post office of the burgh who shall within the burgh so let or use or permit to be used any such carriage without a licence from the magistrates is hereby subjected to a penalty not exceeding forty shillings per day for each carriage so let used or allowed to be used.

(2) Every such licence shall expire on the twenty-seventh day of May next following the day on which it is granted. A.D. 1901.

(3) If at any time any licensed vehicle shall be allowed to fall into disrepair or to become unsafe or unsuitable for the conveyance of passengers the magistrates may suspend the licence of such vehicle till it has been repaired or made safe or suitable and the owner of any vehicle of which the licence is suspended who shall let the same or use or allow it to be used for hire during the period of suspension shall be subject to the same penalty as if the vehicle were unlicensed.

81. Any person not licensed as a porter who shall solicit employment as a porter or ply for hire as a porter in any street or public place within the burgh shall be liable to a penalty not exceeding forty shillings for each offence. Licensed porters.

82. Section 12 of the Act of 1893 shall be read and construed as if the following provisions were added thereto and embodied therein namely:— Amendment of Act of 1893.

(5)—(a) For regulating the hawking selling or offering or exposing for sale in streets and public places of newspapers or goods or articles of any description whatever;

(b) For prohibiting the exposure in streets and public places of bills prints or pictures of any description of an obscene or indecent character.

PART XVII.

ELECTRIC ENERGY.

83. The Corporation may make agreements with the local authority of any district adjacent to the area of supply of the Corporation and with any tramway company owning leasing or working tramways within such district for the supply of electrical energy by the Corporation to such local authority or company for all or any of the purposes for which such local authority or company are or may be authorised to use the same Provided always that the Corporation shall not supply electrical energy to such company or for any purpose whatever within the district of any local authority without the consent of such local authority under their common seal. Agreements for the supply of electricity.

84.—(1) The Corporation may within their area of supply under the Greenock Electric Lighting Order 1883 agree with the owner lessee or occupier of any house building or premises (in this section called "the consumer") to wire and fit up on and in such house building or premises the necessary wires fittings and apparatus for the supply of electric energy (herein-after in this section called "the installation") free of cost to the consumer. Electric fittings.

(2) The installation shall be the property of the Corporation unless and until paid for as herein-after provided.

(3) The consumer may in his option at or after the expiration of five years from the date of installation purchase the installation on payment of the original cost price thereof with an addition of twenty per centum and a deduction of one and a half per centum per annum from the date of

A.D. 1901. — installation for depreciation and such original cost price shall be taken to be such price as shall be certified by the town clerk or by some other officer of the Corporation duly authorised in that behalf provided that the option to purchase shall not include any main fuse switch or meter.

(4) The Corporation shall not be liable for any repairs to or maintenance of the installation except that they shall without charge make good or cause to be made good all defects in materials or workmanship during a period of six months from the date of installation.

(5) The consumer shall until purchase as aforesaid pay quarterly to the Corporation for the use of the installation such sum not exceeding (subject to a minimum payment in any year of one shilling for each eight-candle power lamp or its equivalent installed) one penny per Board of Trade unit for every unit of energy supplied to the said house building or premises as may be fixed by the Corporation and such sum may be collected and recovered by the Corporation along with the charges for energy supplied by them.

(6) If the consumer or other occupier for the time being of the said house building or premises shall cease to take a supply of energy to the said house building or premises from the Corporation or shall neglect or refuse to pay for the use of the installation as aforesaid the Corporation may at any time enter upon the said house building or premises and remove and take away the installation Provided that they shall make good or cause to be made good any damage they may by such removal do to the house building or premises.

(7) The terms specified in this section for the supply of the installation by the Corporation may be altered by agreement between the Corporation and any consumer and the terms as so altered shall have effect accordingly.

(8) Nothing in this section contained shall be deemed to authorise the Corporation to manufacture electric apparatus.

(9) The purposes of this section shall be deemed to be purposes of the Greenock Electric Lighting Order 1883.

PART XVIII.

GAS AND WATER.

Reduction of
illuminating
power of gas.

85. Section 44 (Quality of gas) of the Act of 1871 and section 36 (Amendment of section 44 of Act of 1871) of the Act of 1882 shall be read and have effect as if the words fifteen sperm candles were specified in those sections instead of the words twenty-five sperm candles and twenty sperm candles respectively.

Protection of
water supply.

86.—(1) The Corporation may by agreement acquire and take by way of purchase feu lease or otherwise from any person able and willing to sell feu or lease the same any land situated within the area from which water drains or might drain into the reservoirs or pipes of the Corporation which the Corporation deem it necessary or expedient to acquire and take for the purpose of preventing any risk of the contamination of their water supply and any other lands outside such drainage area which cannot be conveniently separated therefrom and for the same purpose the Corporation may by agreement with

the owner of any such lands as aforesaid acquire any servitude over such lands or permission to construct any works thereon and may pay to such owners such price or compensation for the said servitude or permission as may be agreed upon between the parties.

(2) On any such lands acquired as aforesaid. the Corporation may construct any such works as they may think fit for the protection and improvement of their water supply but nothing in this or the immediately preceding subsection shall authorise the Corporation to create or knowingly permit the creation or continuance of any nuisance on any such lands.

(3) The Corporation may sell any lands acquired by them under the powers of this section which they may consider it unnecessary to hold or may lease or rent the same reserving to themselves if they shall think fit such servitudes or rights as they may think it advisable to reserve having regard to the purposes for which the land was acquired.

PART XIX.

FINANCE.

87. The Corporation may from time to time (in addition to any moneys which whether in their own name or as successors to the board of police and the water trust they are now authorised to borrow) borrow the sums of money hereunder specified (that is to say):—

Power to borrow additional moneys.

(1)—(A) The sum of six thousand pounds for defraying the cost of the new street authorised by this Order and such further sum as may be necessary for defraying the costs of this Order;

(B) The borrowing by the Corporation under this subsection shall be on the terms and subject to the restrictions in reference to borrowings by the board of police contained in Part IX. of the Act of 1893 Provided that moneys borrowed for defraying the cost of the new street shall be repaid within forty years and moneys borrowed for defraying the costs of this Order within five years from the borrowing of the same:

(2)—(A) For the purposes of their gas undertaking any sum not exceeding one hundred thousand pounds;

(B) Sections 60 to 85 both inclusive of the Act of 1871 and section 42 of the Act of 1882 shall apply to the money authorised to be borrowed under this subsection as if the said money had been authorised to be borrowed under the Act of 1871 as amended by the Act of 1882:

(3)—(A) For the purposes of their water undertaking the sum of fifty thousand pounds;

(B) The borrowing by the Corporation under this subsection shall be deemed to be a borrowing under and subject to the provisions of the Water Acts and the Act of 1893 Provided that the moneys so borrowed shall be repaid within fifty years from the borrowing of the same.

88. The Corporation may (if they think fit) provide a reserve fund for their gas undertaking by setting aside such money as they think reasonable and investing the same and the resulting income thereof in any security in

Power to create a gas reserve fund.

A.D. 1901. — which by law trust moneys may be invested and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one tenth of the aggregate capital expended by the Corporation upon their gas undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing any part of the gasworks or mains of the Corporation and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum and the Corporation shall carry to the credit of the Corporation for their general purposes so much of any balance remaining in any year of the income of their gas undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith.

The purposes of this section shall be deemed to be included sixthly amongst the purposes to which under section 87 of the Act of 1871 the revenue of the gas undertaking of the Corporation is required to be applied.

PART XX.

MISCELLANEOUS.

Fire insurance fund.

89. The Corporation may set apart annually from the rates and assessments levied by them such sum or sums as they think proper by way of an insurance fund against loss or damage by fire in connexion with the houses and buildings belonging to the Corporation and any machinery apparatus or effects therein and may from time to time apply any money at the credit of such fund towards any such loss or damage.

Accidents insurance fund.

90. The Corporation may if they think fit establish a fund to be called the accidents insurance fund with a view of providing a sum of money which in the event of any accident to their employees or others for which the Corporation may be liable shall be available for the purpose of meeting and discharging such liabilities including any costs and expenses arising from or in consequence of such accident.

Penalty where no penalty is otherwise stated.

91. Every provision of this Order to the contravention of which no penalty is attached shall be read and construed as if it were thereby provided that every person contravening the same shall on conviction thereof be liable to a penalty not exceeding forty shillings and if the nature of the case permits to a daily penalty during the subsequent continuance of the contravention not exceeding twenty shillings.

92. Notwithstanding anything in section 117 of the Town Councils (Scotland) Act 1900 the provisions of that Act where they are inconsistent with the provisions of the Local Acts or any of them shall prevail and the water trust and the board of police shall be and are hereby declared to be dissolved and all their respective rights powers authorities duties liabilities debts officers and servants and the whole lands works and other assets vested in them respectively shall be and are hereby declared to be transferred to imposed on and vested in the Corporation subject to and in accordance with the provisions in that behalf in the said Town Councils Act contained.

A.D. 1901.
Transfer of
powers.

In the application to the burgh of the Town Councils (Scotland) Act 1900 the date of the "fifteenth day of May" mentioned in sections 92 and 95 thereof shall be held to be altered to the "thirtieth day of June."

93. The powers conferred on the board of police by section 88 of the Act of 1877 with respect to the appointment of officers including the special officers therein mentioned shall notwithstanding anything in the Town Councils (Scotland) Act 1900 or this Order contained be exerciseable by the Corporation.

Appointment
of officers.

94.—(1) The Corporation may if they think fit grant a gratuity to any of their officers or servants who may through bodily or mental infirmity duly certified by a legally qualified medical practitioner become incapable of performing his duty or to the widow or family of any such officer or servant who may die in the service.

Power to grant
gratuities.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on which the salary or emoluments of the officer or servant would have been charged or paid if he had continued in his office or service and shall not exceed the amount of one month's pay for every completed year of approved service.

(3) In this section the expression "officers and servants" includes officers and servants appointed by or who are or have been hitherto in the employ of the board of police or the water trust as the case may be but shall not include any constable within the meaning of the Police (Scotland) Act 1890.

95. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds rates or revenues belonging to them or under their control or out of any moneys borrowed for that purpose under this Order.

Expenses of
Order.

A.D. 1901.

The SCHEDULE referred to in the section of the foregoing Order whereof the marginal note is "Structure and thickness of walls."

Dimensions of external walls.

The minimum thickness of the external walls of buildings shall be as follows:—

(1) If built of stone or concrete —

Buildings one storey in height	- - - -	16 inches.
Buildings two storeys in height	- - - -	18 inches.
Buildings three storeys in height	- - - -	20 inches.
Buildings four storeys in height	- - - -	24 inches.

In such buildings if exceeding four storeys in height the thickness of the external walls of the four uppermost storeys shall be twenty-four inches and the thickness of the external walls of the next storey below the four uppermost storeys shall be twenty-eight inches and the thicknesses of the external walls of each succeeding storey below shall respectively and in succession be four inches more than the thickness of the external walls of the storey immediately above.

(2) If built of brick—

Buildings one storey in height	- - - -	9 inches.
Buildings two storeys in height first storey	- - - -	14 inches.
Buildings two storeys in height second storey	- - - -	9 inches.
Buildings three storeys in height first storey	- - - -	18 inches.
Buildings three storeys in height second storey	- - - -	14 inches.
Buildings three storeys in height third storey	- - - -	14 inches.
Buildings four storeys in height first storey	- - - -	22 inches.
Buildings four storeys in height second storey	- - - -	18 inches.
Buildings four storeys in height third storey	- - - -	14 inches.
Buildings four storeys in height fourth storey	- - - -	14 inches.

In such buildings if exceeding four storeys in height the thicknesses of the external walls of the four uppermost storeys shall be as herein-before fixed in the case of such buildings of four storeys in height and the thickness of the external walls of the next storey below the four uppermost storeys shall be twenty-seven inches and the thicknesses of the external walls of each succeeding storey below shall respectively and in succession be four and a half inches more than the thickness of the external walls of the storey immediately above.

The thicknesses of walls specified in this schedule shall apply to storeys not exceeding fourteen feet in height and such height shall be measured from the centre of the floor joists to the centre of the ceiling joists. The walls of any building containing storeys of a greater height than fourteen feet shall be increased in thickness in proportion to such greater height.

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Confirmation Act, 1901.

At the top of each storey where the respective thicknesses of the walls change as specified in this schedule a course of through headers shall be provided under the joisting.

A.D. 1901.

Any wall or part of a wall not exceeding fourteen inches in thickness which is longer than thirty feet measured from one return wall to the next return wall shall be increased in thickness or sufficiently strengthened by pilasters buttresses or counterforts at intervals of fifteen feet apart and any such wall which is a bearing wall for a floor or roof with a span of more than thirty feet shall be increased in thickness or sufficiently strengthened as aforesaid at intervals of fifteen feet apart.

The walls of newel stairs shall be not less than four and a half inches thick The walls of hanging stairs shall be not less than nine inches thick where such hanging stairs are not supported by iron or steel beams.

Any party wall except so far as it contains chimney vents or smoke flues shall be of not less thicknesses than two thirds of the thicknesses herein-before respectively prescribed for external walls.

Dimensions of
party walls.

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