

[8 EDW. 7.] *Edinburgh Corporation (Tramways, &c.)* [Ch. xxvii.]  
*Order Confirmation Act, 1908.*



### CHAPTER xxvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (Tramways &c.).

A.D. 1908.

[18th June 1908.]

**W**HEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners 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 Edinburgh Corporation (Tramways &c.) Order Confirmation Act 1908.

Short title.

A.D. 1908.

SCHEDULE.

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EDINBURGH CORPORATION (TRAMWAYS &c.).

*Provisional Order to authorise the Lord Provost Magistrates and Council of the City and Royal Burgh of Edinburgh to make and maintain a tramway to make contributions to reformatories or industrial schools to amend and extend the provisions of the Edinburgh Municipal and Police Acts and for other purposes.*

WHEREAS the municipal and police administration of the city and royal burgh of Edinburgh and other matters connected therewith are vested in and managed by the Lord Provost magistrates and council thereof (herein-after called "the Corporation") under among others the Edinburgh Municipal and Police Acts 1879 to 1906:

And whereas the Corporation are the owners of the tramways within the city:

And whereas it is expedient that the Corporation should be authorised to make and maintain the tramway herein-after mentioned:

And whereas it is expedient that the Corporation should be authorised to borrow money for the construction of the tramway authorised by this Order and for all or any of the other purposes of this Order to which capital is properly applicable and should be empowered to levy rates and assessments:

And whereas it is expedient that the provisions of the Edinburgh Municipal and Police Acts should be amended and extended as in this Order provided with respect to contributions by the Corporation to reformatories or industrial schools:

And whereas plans and sections showing the lines and levels of the tramway authorised by this Order and showing the lands required or which may be used for the purposes thereof and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the principal sheriff clerk of the county of Midlothian and also with the principal sheriff

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clerk of the county of the city of Edinburgh and the same are herein-after respectively referred to as the deposited plans sections and book of reference : A.D. 1908.

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 for all purposes as the Edinburgh Corporation (Tramways &c.) Order 1908 and the Edinburgh Municipal and Police Acts 1879 to 1906 in conjunction with this Order may be cited as the Edinburgh Municipal and Police Acts 1879 to 1908. Short title.

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

Part I.—Preliminary.

Part II.—Tramway.

Part III.—Assessments Borrowing Powers and Finance.

Part IV.—Miscellaneous.

Division of  
Order into  
Parts.

## PART I.

### PRELIMINARY.

3. This Order shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is herein-after referred to as “the commencement of this Order.” Commence-  
ment of  
Order.

4. In this Order and for the purposes of this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by the Edinburgh Municipal and Police Acts shall subject to the provisions of this Order have the same respective meanings and the words and expressions following shall have the meanings herein assigned to them viz. :— Interpreta-  
tion.

“The city and royal burgh” and “the city” respectively mean the city and royal burgh of Edinburgh according to the boundaries thereof at the commencement of this Order ;

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“The Corporation” means the Lord Provost magistrates and council of the city and royal burgh ;

“The Edinburgh Municipal and Police Acts” means the Edinburgh Municipal and Police Acts 1879 to 1906 and this Order ;

“The Corporation tramways” or “the tramways” means the tramways owned by the Corporation and the tramway authorised by this Order ;

“The existing tramways” means the tramways within the city owned by the Corporation ;

“The Act of 1879” means the Edinburgh Municipal and Police Act 1879 ;

“The Corporation Tramways Act 1893” means the Edinburgh Corporation Tramways Act 1893 ;

“The Act of 1893” means the Edinburgh Improvement and Municipal and Police (Amendment) Act 1893 ;

“The Corporation Tramways Act 1896” means the Edinburgh Improvement and Tramways Act 1896 ;

“The Extension Act 1896” means the Edinburgh Extension Act 1896 ;

“The Act of 1897” means the Edinburgh Corporation Act 1897 ;

“The Act of 1899” means the Edinburgh Corporation Act 1899 ;

“The Act of 1900” means the Edinburgh Corporation Act 1900 ;

“The Order of 1901” means the Edinburgh Corporation Order 1901 ;

“The Order of 1905” means the Edinburgh Corporation Tramways Order 1905 ;

“The Act of 1906” means the Edinburgh Corporation Act 1906.

Certain provisions of Tramways Act 1870 incorporated.

5. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are incorporated with this Order except where the sections so incorporated are inconsistent with or are varied by the Corporation Tramways Act 1893 the Corporation Tramways Act 1896 the Act of 1897 the Act of 1899 the Act of 1900 the Order of 1905 the Act of 1906 and this Order.

PART II.

A.D. 1908.

TRAMWAY.

6. Subject to the provisions of this Order the Corporation may make form lay down work use and maintain the tramway herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith.

Construction  
of tramway.

The said tramway herein authorised is the following:—

Tramway No. 3 (double line) 6 furlongs 1·8 chains or thereabouts in length wholly situate in the city parish of Edinburgh commencing by a junction at or near the termination of the existing tramway in Gorgie Road at a point nine yards or thereabouts eastwards from the line of the eastern boundary of the cottage at the south-east corner of Balgreen Road and passing thence in a westerly direction along Gorgie Road thence in a south-easterly direction into and through the property of the Corporation along the site of the proposed road or street being the access to the new cattle market and terminating near the north side of Slateford Road opposite a point in the said road one hundred and ninety yards or thereabouts measured in a westerly direction along Slateford Road from the west side of Robb's Loan.

7. The tramway authorised by this Order shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Tramway to  
be inspected  
before being  
opened.

8. The tramway authorised by this Order shall be completed within four years from the commencement of this Order and on the expiration of that period the powers by this Order granted to the Corporation for executing the same shall cease except as to so much thereof as shall then be completed.

Period for  
completion  
of tramway.

9. Subject to the provisions of this Order the tramway and the works connected therewith by this Order authorised to be constructed shall for all purposes of rates tolls and charges and for all other purposes whatsoever be part of the Corporation tramways.

Tramway to  
be part of  
Corporation  
tramways.

10. Subject to the provisions of this Order the Corporation Tramways Act 1896 the Act of 1897 the Order of 1905 and the

Application  
of sections

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A.D. 1908. Act of 1906 to the extent respectively in this section mentioned  
of Corpora- (that is to say):—  
tion Tram-  
ways Acts.

Of the Corporation Tramways Act 1896—

- Section 14 (Further provisions as to construction of tramways);
- Section 16 (Penalty for not maintaining rails and roads);
- Section 17 (Sanitary authority to have access to sewers);
- Section 20 (Level of rails);
- Section 22 (Temporary tramways);
- Section 23 (Application of road materials excavated in construction of tramways);
- Section 25 (Power to use lands for tramway purposes);
- Section 29 (Byelaws to remain in force till altered);
- Section 30 (Saving for Corporation and magistrates' authorities);
- Section 31 (Power to form junctions);
- Section 32 (As to notices delivered under Tramways Act 1870 &c.);
- Section 33 (Tramways on streets not yet formed);
- Section 35 (Tolls);
- Section 36 (Fares on Sunday or public holidays not to be raised);

Of the Act of 1897—

- Section 22 (Power to Corporation to work tramways);
- Section 23 (Power to lease tramways);

Of the Order of 1905—

- Section 4 (Amendment of existing speed limit on tramways);
- Section 5 (Byelaws of local authority);

And of the Act of 1906—

- Section 11 (Byelaws);
- Section 12 (Gauge of tramways);
- Section 13 (Power to make additional cross-overs and to double tramway lines &c.);
- Section 14 (Corporation may lop trees overhanging public highway);
- Section 15 (For protection of water mains and pipes);

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- Section 16 (For protection of gas mains and pipes); A.D. 1908.  
Section 17 (For protection of Water of Leith Purification  
and Sewerage Commissioners);  
Section 18 (Arbitration);  
Subsections (3) and (4) of Section 20 (Adaptation of exist-  
ing tramways and construction of tramways  
and works);  
Section 21 (Tramways to be kept on level of surface of  
road);  
Section 22 (Rails of tramways);  
Section 23 (Special provisions as to use of electrical  
power);  
Section 24 (For protection of Post Office telegraph lines);  
Section 25 (Alteration of telegraph lines of Postmaster-  
General);  
Section 26 (Apparatus used for mechanical power to be  
deemed to be part of tramways);  
Section 27 (Attachment of brackets &c. to buildings &c.);  
Section 28 (Provisions as to motive power);  
Section 29 (Penalty for malicious damage);  
Section 31 (Corporation may supply electricity for working  
of tramways);  
Section 33 (Provision as to general Tramway Acts);

shall so far as the same are respectively applicable extend and apply mutatis mutandis to the tramway by this Order authorised.

11. Nothing in this Order contained shall prejudice or affect the agreement of lease between the Corporation the Edinburgh and District Tramways Company Limited and Dick Kerr and Company Limited dated twenty-third twenty-fifth and twenty-sixth July one thousand eight hundred and ninety-eight the memorandum of agreement between the Corporation Dick Kerr and Company Limited and other parties dated sixteenth seventeenth and eighteenth October one thousand eight hundred and ninety-nine the supplementary memorandum of agreement between the Corporation the Edinburgh and District Tramways Company Limited and Dick Kerr and Company Limited dated fifteenth seventeenth and twenty-ninth July one thousand nine hundred and two and the additional memorandum of agreement between

Saving existing lease of tramways and relative agreements.

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A.D. 1908. — the Corporation the Edinburgh and District Tramways Company Limited and Dick Kerr and Company Limited dated sixteenth and twenty-fifth January and first February one thousand nine hundred and six or the rights and interests of the respective parties under the said several deeds :

Provided that as regards the portion of the said Tramway No. 3 which proceeds in a south-easterly direction from Gorgie Road along the site of the proposed road or street towards Slateford Road (A) the lessees under the existing lease of the Corporation Tramways dated twenty-third twenty-fifth and twenty-sixth July one thousand eight hundred and ninety-eight shall not be bound without their consent to work the said portion nor to pay rent in respect thereof until the public undertakings viz. the cattle market slaughterhouse and corn market near the proposed road or street are completed and open to public use and (B) clauses third and fifth of the said existing lease shall be modified so that in making up the Continuation Capital Account interest at three per cent. on payments made in respect of said portion shall not be added to said account on any one payment for a longer period than six months.

Stoppage of roads during execution of works.

12. Subject to the provisions of this Order the Corporation may during the execution of the tramway by this Order authorised stop up temporarily the carriageway or footway of any street road or bridge as may be necessary and for that purpose may put up bars posts and other erections Provided that the Corporation shall before stopping up any footway under this section provide a temporary substitute therefor with access therefrom to any houses.

Power to take servitudes &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or discharge 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 or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties 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.



PART III.

A.D. 1908.

ASSESSMENTS BORROWING POWERS AND FINANCE.

14. The Corporation Tramways Act 1893 to the extent in this section mentioned (that is to say) Section 21 (Local rate) section 22 (Power to borrow for purposes of Tramways Act 1870 and this Act) section 23 (Application of money borrowed) is hereby incorporated with and shall form part of this Order and shall subject to the provisions of the Act of 1893 the Corporation Tramways Act 1896 the Extension Act 1896 the Act of 1897 the Act of 1899 the Act of 1900 the Order of 1901 the Act of 1906 and this Order apply mutatis mutandis to the tramway authorised to be constructed by this Order and to any lands required or used for the tramway purposes of this Order in the same way and to the same effect and shall confer the same powers and impose the same obligations on the Corporation of assessing within the city and of borrowing and for repayment of money borrowed as if such sections as amended and extended by the said Acts were severally herein set out at length.

Application of sections of Corporation Tramways Act 1893 as to assessing borrowing &c. for tramway purposes.

PART IV.

MISCELLANEOUS.

15.—(1) Without prejudice to any statutory powers of the Corporation the Corporation may on a resolution being passed by them to that effect contribute to any reformatory or industrial school in any part of Great Britain which has been certified by one of His Majesty's Principal Secretaries of State or the Secretary for Scotland as the case may be under any Act for the time being in force relating to reformatory or industrial schools and on such resolution stating the name of the reformatory or industrial school to which they propose to contribute being transmitted to the Secretary for Scotland and approved of by him the Corporation may from time to time pay over such sum as they may think fit to the directors and managers of such reformatory or industrial school Provided that if at any time the Secretary for Scotland shall notify his withdrawal of such his approval the Corporation shall not thereafter contribute to such reformatory or industrial school saving in fulfilment of subsisting obligations under any agreement made as after mentioned.

Contributions to reformatories and industrial schools.

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(2) Any contribution by the Corporation made under this section and any contribution to reformatory or industrial schools made under any public general Act of Parliament shall be a charge on the burgh assessments payable equally by owners and occupiers under the Fifth Head of Estimate under section 66 (Expenses to be estimated) of the Act of 1879.

(3) Without prejudice as herein-before mentioned the Corporation may in respect of any contribution which may be made as aforesaid enter into agreements with the directors and managers of any reformatory or industrial school in Great Britain certified and approved as aforesaid for the admission and maintenance of youthful persons sent by order of the judge of police or of a magistrate in the burgh court or by order of the sheriff in the sheriff court and such agreements may make provision for the agreed-on payment or a proportion thereof being continued during the period of detention of the persons admitted under the same.

Amendment  
of Edin-  
burgh Muni-  
cipal and  
Police Acts.

16. The Edinburgh Municipal and Police Acts are hereby amended as follows and shall from and after the commencement of this Order have effect as so amended accordingly (that is to say) :—

The sheriff shall no longer officiate as a judge of police and the provisions relating to the sheriff in the definition of “judge of police” in section 5 and in sections 323 and 324 of the Act of 1879 shall accordingly cease to have effect :

Section 287 (Power to regulate shows &c.) of the Act of 1879 shall be read as if after the word “representation” second occurring in said section the words “or other public entertainment” were inserted and as if the following words were added to the said section (that is to say) “Nothing “ in this section shall require a licence to be obtained there- “ under in any case where a licence is held under the “ Theatres Act 1843 ” : Provided that nothing in this section shall apply to any licences required to be taken out under statutes relating to Inland Revenue.

Costs of  
Order.

17. All costs charges and expenses attending the preparation obtaining and passing of this Order and incidental thereto shall be paid out of the common good or burgh assessments or any money to be borrowed under this Order And if any such costs

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are paid out of borrowed money the amount thereof shall be repaid within the period of five years from the commencement of this Order. A.D. 1908.

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