



CHAPTER xvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Dundee Corporation. [31st July 1947.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament :

26 Geo. 5. &
1 Edw. 8.
c. 52.

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 is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Dundee Corporation Order Confirmation Act 1947.

SCHEDULE.

DUNDEE CORPORATION.

Provisional Order to alter the designation of the lord provost magistrates and councillors of the city and royal burgh of Dundee to empower the Corporation to acquire lands and construct a sewer work to make provision with respect to the art galleries museums and public libraries of the Corporation to authorise the Corporation to borrow further moneys and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Dundee (hereinafter called "the Corporation" and "the city" respectively) are vested with the municipal government police health and poor law administration of the city and are also the education authority for the city:

And whereas it is expedient that the designation or corporate name of the Corporation should be altered as in this Order provided:

9 & 10 Geo. 6.
c. xxv.

And whereas by the Dundee Corporation Order 1946 the boundaries of the city were extended so as to include (inter alia) an area (in the said Order described as the "western added area") lying to the west of the city:

And whereas in order to drain the said area and to provide for the more effectual drainage of the city as existing before the commencement of Part II (Boundaries extension) of the Dundee Corporation Order 1946 it is expedient that the Corporation should be authorised to acquire lands and construct the sewer work described in this Order and that the powers contained in this Order with respect thereto should be conferred on the Corporation:

And whereas an estimate has been prepared by the Corporation for the purchase of lands and for the construction of the works authorised by this Order and such estimate is as follows:—

For the construction of the sewer work authorised by this Order and the purchase of lands and servitudes therefor £51,000
---	----------------

And whereas the works included in the said estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas it is expedient that the Corporation should be authorised to raise further money for the purposes of the sewer work authorised by this Order:

And whereas doubts have arisen with regard to the administration and management of the art galleries in the city known as the Victoria Art Galleries and it is expedient that such doubts should be resolved and that the provisions contained in this Order with respect to the Victoria Art Galleries and with respect to the art galleries museums and public libraries hereinafter referred to should be enacted:

And whereas it is expedient that the amount of the rate which may be levied by the Corporation in order to meet expenditure incurred in respect of the public libraries and museums in the city should be increased as provided in this Order:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office in Dundee of the sheriff clerk of the county of Angus and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

26 Geo. 5. &
1 Edw. 8. c. 52.

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

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

Division of
Order into
Parts.

Part I.—Preliminary.

Part II.—Designation of Corporation.

Part III.—Sewer work.

Part IV.—Art galleries museums and libraries.

Part V.—Financial and miscellaneous.

PART I.

PRELIMINARY.

2. This Order may be cited for all purposes as the Dundee Corporation Order 1947.

Short title
and citation of
Acts.

The Dundee Corporation Acts 1871 to 1946 and this Order may be cited together as the Dundee Corporation Acts 1871 to 1947.

3. In this Order terms words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

Further in this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

“ Act of 1882 ” means the Dundee Police and Improvement Consolidation Act 1882;

45 & 46 Vict.
c. clxxxv.

PART I.
—cont.

“ Albert Institute ” means the whole buildings and premises situated in Albert Square in the city known as the Albert Institute comprising the Albert Memorial Buildings the Albert Institute and the Victoria Art Galleries together with the adjoining gardens and lands in connection therewith belonging to the Corporation;

“ city ” means the city and royal burgh of Dundee;

“ Corporation ” means the lord provost magistrates and councillors of the city;

3 & 4 Geo. 5.
c. xi.

“ Improvements and Tramways Act 1913 ” means the Dundee Corporation (Improvements and Tramways) Act 1913;

9 & 10 Geo. 5
c. 74.

21 & 22 Geo. 5.
c. 11.

8 & 9 Geo. 6.
c. 33.

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931 and by Part II of the Town and Country Planning (Scotland) Act 1945;

“ magistrates ” means the lord provost and bailies of the city for the time being;

“ office bearers ” means the lord provost the bailies the treasurer the dean of guild and the hospital master of the city;

“ Order of 1921 ” “ Order of 1926 ” “ Order of 1930 ” and “ Order of 1934 ” mean respectively the Dundee Corporation Order 1921 the Dundee Corporation Order 1926 the Dundee Corporation (General Powers) Order 1930 and the Dundee Corporation Order 1934;

“ Public Libraries Acts ” means the Public Libraries (Scotland) Acts 1887 to 1920;

“ public libraries committee ” means the public libraries committee for the city appointed in pursuance of the Public Libraries Acts;

“ town clerk ” means the town clerk of the city;

“ Victoria Art Galleries ” means that part of the Albert Institute used as an art gallery and known as the “ Victoria Art Galleries ” which or a part of which was in or about the years one thousand eight hundred and eighty-seven to one thousand eight hundred and ninety-two built as an extension of the buildings then known as “ the Albert Memorial Buildings ” from funds partly raised by public subscription and partly contributed by the Corporation together with the buildings sculpture casts models pictures objects of art and illustrations of science or other collections furniture and other property of all descriptions contained therein or connected therewith.

Incorporation
of Acts.

4. The following Acts and parts of Acts (so far as the same respectively 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 (namely):—

(1) The Lands Clauses Acts;

(2) The Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of land near the railway during the construction thereof and in that Act where applied to this Order the expressions "the promoters of the undertaking" and "the company" respectively mean the Corporation and the expression "the railway" and "the undertaking" mean the sewer work authorised by this Order;

PART I.
—cont.
8 & 9 Vict. c. 33.

and this Order shall be deemed to be a special Act within the meaning of those Acts.

PART II.

DESIGNATION OF CORPORATION.

5.—(1) The lord provost magistrates and councillors of the city and royal burgh of Dundee shall be and continue to be a body corporate with a common seal and they may be known called and referred to for all purposes as "the Corporation of the city and royal burgh of Dundee."

Style or name of
Corporation and
common seal.

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

(3) As soon as conveniently may be after the passing of the Act confirming this Order a new common seal shall be obtained by the Corporation comprising the arms of the city and royal burgh of Dundee as matriculated in the Public Register of All Arms and Bearings in Scotland on the sixth day of October one thousand nine hundred and thirty-two with the words "Seal of the City and Royal Burgh of Dundee" instead of the words "Seal of the Royal Burgh of Dundee" which appear on the common seal in use at the passing of the Act confirming this Order and thereupon the use of such last-mentioned seal shall be discontinued and thenceforward such new seal shall be the common seal of the Corporation.

PART III.

SEWER WORK.

6.—(1) Subject to the provisions of this Part of this Order the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference or some part or parts thereof and according to the levels shown on the deposited sections a main sewer to connect up with a main sewer to be built within the city together with such reservoirs sluices engines and other works as shall be necessary for cleansing and operating such sewer with all proper works and conveniences connected therewith (all in this Order called "the sewer work").

Power to make
sewer work.

(2) The sewer work hereinbefore referred to and authorised by this Part of this Order will be wholly situated within the parish of Liff.

PART III.
—cont.

and Benvie in the county of Angus and in the city and is as follows (that is to say):—

A sewer commencing in the line of the city boundary at a point thereon 46 yards or thereby south from the centre line of Kingsway West and proceeding thence for a distance of 563 yards or thereby in a westerly direction and crossing Kingsway West and the public road known as Denhead of Gray Road thence for a distance of 79 yards or thereby in a south-westerly direction thence for a distance of 333 yards or thereby in a southerly direction to a point in the west footpath of Kingsway West opposite the entrance to Balgarthno Farm thence for a distance of 706 yards or thereby in a south-westerly direction along the west footpath of Kingsway West to a point therein 57 yards or thereby north-west from the entrance of Greystane House thence for a distance of 94 yards or thereby in a southerly direction and crossing Kingsway West to a point in the centre line of the public road known as Back Road Invergowrie 35 yards or thereby south-east from its junction with the centre line of Kingsway West thence for a distance of 635 yards or thereby in a south-easterly direction generally and following the line of the Invergowrie Burn on the north bank thereof to a point 42 yards or thereby due north from the centre line of the Dundee-Perth main road at the point where the said road crosses the Invergowrie Burn thence for a distance of 141 yards or thereby in a southerly direction and crossing the said Dundee-Perth main road to a point on the north side of the public road known as Station Road Invergowrie 15 yards or thereby west of the south-west corner of the boundary wall of the curtilage of Mill Farm thence for a distance of 194 yards or thereby in a south-easterly direction and crossing the said Station Road and the Invergowrie Burn to a point 67 yards or thereby north-west from the north-west corner of the abutment of the culvert carrying the Invergowrie Burn under the railway line of the London Midland and Scottish Railway (Dundee and Perth branch) and 67 yards or thereby north from the centre of the said railway line thence for a distance of 1240 yards or thereby in a southerly direction under the said railway line and across the foreshore of the Firth of Tay to a point beyond the low-water mark 213 yards or thereby east of the point where the city boundary meets low-water mark.

Application of sections of Dundee Corporation Order 1921 to sewer work.

7. The sections hereinafter specified of the Order of 1921 shall extend and apply mutatis mutandis to the sewer work authorised by this Part of this Order as fully and effectually as if those sections had been re-enacted in this Part of this Order (that is to say):—

- Section 7 (Limits of deviation);
- Section 8 (Works below high-water mark to be subject to approval of Board of Trade);
- Section 9 (Lights on works during construction);
- Section 10 (Permanent lights on works);
- Section 11 (Survey of works by Board of Trade);
- Section 12 (Abatement of work abandoned or decayed);
- Section 13 (Provision against danger to navigation).

8. Subject to the provisions of this Part of this Order the Corporation may compulsorily or by agreement enter upon take and use all or any of the lands shown on the deposited plans and specified and described in the deposited book of reference required for or in connection with the sewer work authorised by this Part of this Order.

PART III.

—cont.

Power to take lands for sewer work.

9. The powers of the Corporation for the compulsory purchase of lands for or in connection with the sewer work authorised by this Part of this Order shall cease on the thirty-first day of December one thousand nine hundred and fifty.

Limitation of time for compulsory purchase of lands.

10. The sections hereinafter specified of the Improvements and Tramways Act 1913 shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply *mutatis mutandis* to the lands authorised to be taken and appropriated by this Part of this Order and the sewer work authorised by this Part of this Order and to the Corporation with reference thereto as fully and effectually as if those sections had been re-enacted in this Part of this Order (that is to say):—

Application of sections of Improvements and Tramways Act 1913 as to lands.

Section 31 (Correction of errors in deposited plans and book of reference);

Section 34 (As to private rights of way over lands taken compulsorily);

Section 37 (Purchase of lands by agreement);

Section 38 (Power to take servitudes &c. by agreement);

Section 39 (Power to retain sell &c. lands);

Section 40 (Corporation may appropriate lands for purposes of Act);

Section 41 (Corporation not to be bound to execute all works &c.).

11.—(1) Where any lands which by this Order the Corporation are authorised to enter upon take and use for the purposes of the sewer work authorised by this Part of this Order are situated in or under the carriageway pavement or footpath of any street road or lane shown on the deposited plans and described in the deposited book of reference the Corporation shall for the purpose of constructing and maintaining the said sewer work notwithstanding anything contained in this Order not be obliged to take such lands or any part thereof but may without notice enter upon such lands and construct and maintain the said sewer work in through or under the said lands subject only to the provisions of the section of this Order of which the marginal note is "Compensation for damage" provided that subject always to the express provisions of this Order the Corporation shall not except for the purpose of manholes or other openings permanently take or use the surface of any such street road or lane.

Power to enter on lands and construct sewer work.

(2) With respect to any lands (other than the lands referred to in subsection (1) of this section) shown on the deposited plans and specified and described in the deposited book of reference which the Corporation are authorised by this Part of this Order to enter upon take and use for the purposes of the sewer work authorised by this Part of this Order the Corporation shall for the purpose of constructing and maintaining the said sewer work notwithstanding anything

PART III.
—cont.

contained in this Order not be obliged to take the said lands or any part thereof but may after reasonable notice in writing to the owners lessees and occupiers thereof enter upon such lands and construct and maintain the said sewer work in through or under the said lands subject only to the provisions of the section of this Order of which the marginal note is "Compensation for damage."

Compensation
for damage.

12.—(1) The Corporation shall make reasonable compensation to the owners lessees and occupiers of any lands buildings or minerals for any loss or damage caused by the Corporation to such owners lessees or occupiers in relation to such lands buildings or minerals in exercise of the powers of this Order.

(2) Such compensation shall failing agreement be assessed in manner provided by the Lands Clauses Acts for determining the amount of compensation to be paid for land taken otherwise than by agreement under the provisions thereof.

(3) Compensation for such loss or damage shall be recoverable from time to time as such loss or damage may accrue or be discovered but a claim for such compensation shall not be made or allowed unless the occurrence of the loss or damage in respect of which it is intended to claim if known to the claimant is notified in writing to the Corporation without unreasonable delay by the person intending to claim and any such claim shall not be recoverable unless it is presented to the Corporation by such person within six months from the discovery of the loss or damage complained of.

Use of sewer
work by owners
and occupiers
in County.

13.—(1) Any person being the owner or occupier of any lands beyond the city may on such reasonable terms and conditions as may be agreed between such person and the Corporation at his own expense and under the superintendence of the engineer of the Corporation cause any sewer or drain carrying the sewage from any building on such lands to communicate with the sewer work Provided that nothing in this section shall entitle any person to discharge into the sewer work any liquid substance or matter which is of such a nature as to be injurious to the construction maintenance use or efficiency of the sewer work or to cause or be likely to cause silting up corrosion or decay of the materials of the sewer work or injury to the health of persons engaged in connection with the sewer work or which would or could be likely to cause a nuisance.

(2) Any difference arising between the Corporation and any person under the provisions of this section shall be determined summarily by the sheriff of Perth and Angus or by one of his substitutes.

For protection
of county
council of
Angus.

14. The following provisions of this section shall unless otherwise agreed between the Corporation and the county council of the county of Angus (hereinafter in this section referred to as "the county council") apply and have effect for the protection of the county council with respect to the exercise by the Corporation of the powers conferred on them by this Order relative to the sewer work (that is to say):—

(1) The Corporation shall give to the county council not less than fourteen days' notice of their intention to open or break up the surface of any road or street under the jurisdiction

of or maintained by the county council. Provided that in cases of emergency arising from defects in the sewer work it shall be sufficient if the notice required by this subsection is given as soon as possible after the necessity for such opening or breaking up becomes known to the Corporation:

- (2) The Corporation in opening or breaking up the surface of a road or street under the jurisdiction of or maintained by the county council shall not without the consent of the county council have a greater length open or broken up at one time in any road or street than two hundred lineal yards and the Corporation shall complete their operations as expeditiously as possible and restore the surface of such road or street or the portion thereof so opened or broken up to the reasonable satisfaction of the county council and shall maintain the same for twelve months from the date which the county council or their surveyor shall certify to be the date on which such road or street or portion thereof as aforesaid has been restored to their or his satisfaction:
- (3) The Corporation shall efficiently fence off light and watch all portions of roads and streets so opened or broken up as aforesaid until the surface has been restored as aforesaid:
- (4) If any difference arises between the county council and the Corporation under this section or in respect of anything to be done or not to be done thereunder such difference shall be determined by an arbiter to be mutually chosen or failing agreement by an arbiter to be appointed by the sheriff of Perth and Angus on the application of either party and the decision of such arbiter shall be final.

15. The provisions of the section of this Order of which the marginal note is "For protection of county council of Angus" shall apply with respect to the exercise in or affecting any trunk road of the powers of this Order subject to the following modifications:—

As to trunk roads.

- (a) for references to the county council or to their surveyor there shall be substituted references to the Minister of Transport;
- (b) for references to a road or street under the jurisdiction of or maintained by the county council there shall be substituted references to a trunk road;
- (c) in subsection (4) for the reference to the sheriff of Perth and Angus there shall be substituted a reference to the President of the Institution of Civil Engineers.

16. Section 39 (For protection of London and North Eastern and London Midland and Scottish Railway Companies) of the Dundee Corporation Order 1939 shall extend and apply mutatis mutandis for the protection of the London Midland and Scottish Railway Company with respect to the sewer work and to the lands of the said company to be taken and appropriated by the Corporation and to the Corporation in respect thereof to the same extent and effect as if the said section had with the necessary modifications been re-enacted in this Order.

For protection of London Midland and Scottish Railway Company.

PART III.
—cont.

Saving rights
under
Electricity
(Supply) Acts,
45 & 46 Vict.
c. 56,
62 & 63 Vict.
c. 19.

17. Nothing in this Part of this Order shall—

- (a) extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections; or
- (b) prevent or affect the exercise by any such undertakers or by the Corporation of any rights or powers under those provisions.

PART IV.

ART GALLERIES MUSEUMS AND LIBRARIES.

Victoria Art
Galleries
vested in
Corporation.

18. For the removal of doubts it is hereby declared that the Victoria Art Galleries as existing at the date of the passing of the Act confirming this Order shall be and be deemed always to have been vested in the Corporation in the same way and manner as lands and buildings and other heritable or moveable property vested in the Corporation in pursuance of the Public Libraries Acts.

Victoria Art
Galleries to be
managed by
public libraries
committee.

19. Subject to the provisions of this Order the Victoria Art Galleries shall be managed regulated and controlled by the public libraries committee in the same way and manner as the libraries and museums in the city to which the Public Libraries Acts apply and the public libraries committee shall have and may exercise with respect to the Victoria Art Galleries the same powers as they have and may exercise with respect to the said libraries and museums.

Powers of
public
libraries
committee with
respect to art
galleries and
museums.

20. Notwithstanding anything contained in any Act the public libraries committee in addition to the powers conferred on them by the section of this Order of which the marginal note is "Victoria Art Galleries to be managed by public libraries committee" and by the Public Libraries Acts shall have and may exercise all or any of the following powers in connection with the Victoria Art Galleries and any other art galleries or museums managed regulated and controlled by them (in this section collectively referred to as "the art galleries and museums"):

- (1) They may make rules and regulations for the use of the art galleries and museums and the admission of the public thereto:
- (2) They may close the art galleries and museums to the public on such occasions and for such periods as they think fit:
- (3) They may fix and demand fees and charges for admission to the art galleries and museums or any part thereof and allow any person to whom the art galleries and museums or any part thereof may be let to make charges for admission thereto as they think fit respectively. Provided that the days on which the public are admitted free to that portion of the art galleries and museums in which the permanent

collections of works or specimens are situated shall not be less than two hundred days in each year:

PART IV.
—cont.

- (4) They may purchase sell lend or exchange statuary casts models paintings pictures engravings and specimens provided that the money arising from any sale or exchange shall be applied for the purposes of the art galleries and museums:
- (5) They may make provision for the exhibition and display for such period as they think fit of any of the statuary casts models paintings pictures engravings and specimens vested in the Corporation in connection with the art galleries and museums in any of the schools institutions or other premises of the Corporation or in other buildings in the city and make arrangements with the Corporation or with the owners of such other buildings for the purposes aforesaid and do all other acts and provide all other things that may be necessary or proper in connection therewith.

21.—(1) The public libraries committee may use or allow to be used or let any part of the Victoria Art Galleries or of any art gallery museum or public library managed regulated and controlled by them and not at the time required for the purpose of an art gallery museum or public library as the case may be for lectures exhibitions and concerts for or in connection with the advancement of art education drama science music or literature and may themselves provide or arrange for the provision of or contribute towards the expenses of any such lectures exhibitions or concerts and may make or allow to be made such charges as they may think fit in connection therewith:

Provision of lectures &c. in art galleries museums and libraries.

Provided that a cinematograph film of which—

- (a) the length exceeds two thousand four hundred feet; or
(b) the width exceeds sixteen millimetres;

shall not be exhibited under the powers of this section.

(2) The public libraries committee may provide and sell or authorise the provision and sale of programmes of any lectures exhibitions or concerts given in pursuance of this section.

(3) Any money arising in respect of any lectures exhibitions or concerts given in pursuance of this section or in respect of the sale of programmes in connection therewith shall be applied by the public libraries committee for the purposes of the Victoria Art Galleries and of the art galleries museums and public libraries managed regulated and controlled by them.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for a public entertainment or a cinematograph exhibition.

22. Nothing contained in this Part of this Order shall be in derogation of any existing deed of gift or trust deed under or in pursuance of which any buildings sculpture casts models pictures objects of art and illustrations of science or other collections are held or administered by the Corporation or the public libraries committee.

Saving for deeds of gift relating to art galleries and museums.

PART IV.
—cont.
Expenditure in
respect of
Victoria Art
Galleries.

23. All expenses incurred by the public libraries committee in carrying out the powers conferred on them with respect to the Victoria Art Galleries by this Part of this Order shall in so far as not met by income from the Victoria Art Galleries be defrayed in the same manner as expenses incurred under the Public Libraries Acts.

PART V.

FINANCIAL AND MISCELLANEOUS.

Power to
borrow
additional
money.

24.—(1) The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or raise) borrow or raise for the several purposes of this Order sums not exceeding the amounts hereinafter mentioned for the respective purposes following (that is to say):—

- (a) For the purchase of lands and servitudes and the construction of the sewer work authorised by this Order the sum of fifty-one thousand pounds;
- (b) In respect of the costs charges and expenses of and incidental to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto such sums as may be necessary.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

Saving for
emergency
restrictions on
borrowing.
8 & 9 Geo. 6,
c. 18.
9 Geo. 6. c. 10.
9 & 10 Geo. 6.
c. 58.

25. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of any order made under the Borrowing (Control and Guarantees) Act 1946.

Certain
provisions of
former Orders
as to borrowing
to apply.

26. Section 4 (Burgh fund) and section 5 (Annual estimates) of the Order of 1934 and the provisions of the Order of 1926 shall except as otherwise provided by this Order extend and apply to this Order in the same way and to the same effect as if the purposes of this Order were purposes of the said sections and Order:

Provided that—

- (1) Section 321 (Repayment of money borrowed other than that now due by instalments or sinking fund in sixty years) of the Act of 1882 in its application to all moneys to be borrowed or raised for the purposes mentioned in subsection (1) (a) of the section of this Order of which the marginal note is "Power to borrow additional money" shall be read and have effect as if the maximum period for the repayment thereof was forty years in accordance with the said section 321 as amended by section 22 (Amendment of section 321 of the Dundee Police and Improvement Consolidation Act 1882) of the Order of 1930; and

- (2) Any money borrowed for paying any costs charges and expenses under subsection (b) of the said section of this Order shall be repaid within five years from the commencement of this Order.

27. After the fifteenth day of May one thousand nine hundred and forty-seven— Increase of library rate.

- (1) The Public Libraries Acts in their application to the city shall be read and have effect as if for the reference to "three-pence" in section 1 of the Public Libraries (Scotland) Act 1920 there were substituted a reference to "sixpence"; 10 & 11 Geo. 5.
c. 45.
- (2) Section 4 (Increase of library rate) of the Dundee Corporation Libraries Order 1902 in so far as it relates to the amount of the library rate therein referred to shall be repealed.

28.—(1) Notwithstanding any appeal under the Valuation Acts which may be pending with respect to any lands and heritages in the city all rates charges and assessments in respect of such lands and heritages may be levied on the rateable value thereof as appearing in the valuation roll in force for the year preceding that in which the appeal has been taken and may be collected and recovered as if no such appeal had been pending: Rates to be levied notwithstanding appeals.

Provided that on the determination of the said appeal the difference (if any) between the amount which has been paid and the amount payable on the rateable value as so determined shall be repaid by the city collector if too much has been paid and if too little has been paid shall be collected and recovered as if the amount underpaid were arrears of rates charges and assessments due and payable to the Corporation.

(2) For the purposes of this section—

- "city collector" means the collector of rates charges and assessments for the city;
- "lands and heritages" means lands and heritages as defined in the Valuation Acts;
- "Valuation Acts" means the Acts in force for the time being relating to the valuation of lands and heritages;
- "valuation roll" means the valuation roll made up in pursuance of the Valuation Acts.

29. Section 45 (As to expenditure on Camperdown estate) of the Dundee Corporation Order 1946 shall be read and have effect as if the said section had contained the following subsection in lieu of subsection (2) thereof:— Amendment of section 45 of Dundee Corporation Order 1946.

- "(2) In the event of the income received by the Corporation from the Camperdown estate exceeding in any year the amount of the expenditure incurred by the Corporation in that year in respect of Camperdown estate there shall be contributed to the burgh fund in that year in respect of expenditure of Camperdown estate defrayed out of the burgh fund in pursuance of subsection (1) of this section in preceding years an amount equal to the amount by which such income exceeds such expenditure in that year so however that the aggregate

PART V.
—cont.

“ of the amounts so contributed to the burgh fund shall not in any circumstances exceed the aggregate amount of expenditure defrayed out of the burgh fund in preceding years.”

Further provisions as to billiard rooms &c.
19 & 20 Geo. 5.
c. 23.

30. Where any house building room or place which is occupied as a club (whether or not such club is a company incorporated under the Companies Act 1929) is used for the playing of billiards or bagatelle the playing of billiards or bagatelle or any game of the like kind in such house building room or place shall be deemed to be the public playing of billiards or bagatelle for the purposes and within the meaning of section 220 (Billiard rooms to be licensed) of the Act of 1882 unless adequate provision is made—

- (a) to ensure that a person shall not be admitted to such club with a view to the taking part in the playing of billiards or bagatelle therein unless he is a bona fide member of such club or is accompanied by a bona fide member of such club; and
- (b) to preclude the admission of persons who present themselves for admission to membership of such club solely or mainly with a view to taking part in the playing of billiards or bagatelle therein.

Byelaws regulating billiard rooms &c.

31.—(1) The magistrates may from time to time make byelaws and regulations—

- (a) for the safety and comfort of the public and for maintaining order in premises licensed under the provisions of section 220 (Billiard rooms to be licensed) of the Act of 1882 as amended by the section of this Order of which the marginal note is “ Further provisions as to billiard rooms &c ”;
- (b) for the suppression of disorderly conduct in such premises;
- (c) for prohibiting or regulating the admission to such premises of persons under the age of seventeen years.

55 & 56 Vict.
c. 55.

(2) The aftermentioned sections of the Burgh Police (Scotland) Act 1892 as extended and applied to the City by section 84 (Sections of Burgh Police Act 1892 applied to burgh) of the Dundee Corporation Order 1907 shall with any necessary modifications extend and apply with respect to any byelaws made under the foregoing provisions of this section (namely):—

- Section 317 (Byelaws may be enforced by imposition of penalties);
- Section 318 (Byelaws to be confirmed) as the said section is in its application to the city modified by the section of this Order of which the marginal note is “ Amendment of section 318 of Burgh Police (Scotland) Act 1892 as applied to city ”;
- Section 319 (Notice of confirmation to be given);
- Section 320 (A copy of proposed byelaws to be open to inspection);
- Section 321 (Publication of byelaws);
- Section 322 (Byelaws to be binding on all parties);
- Section 323 (Evidence of byelaws).

32. Section 318 (Byelaws to be confirmed) of the Burgh Police (Scotland) Act 1892 as applied to the city by section 84 (Sections of Burgh Police Act 1892 applied to burgh) of the Dundee Corporation Order 1907 shall be read and have effect as if for the words "allow or disallow" occurring in the said section 318 there were substituted the words "allow modify or disallow."

PART V.
—cont.
Amendment of section 318 of Burgh Police (Scotland) Act 1892 as applied to city.

33.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether heritable or moveable for any public purpose connected with the city or for the benefit of the inhabitants of the city or of some part thereof and the Corporation may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Acceptance of gifts of property.

(2) Where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from a rate they may subject to any condition or restriction attaching to the exercise of that power defray expenditure incurred in the exercise of the powers conferred by subsection (1) of this section out of money so raised.

34.—(1) Subject to the provisions of the Dundee Corporation Acts 1871 to 1946 and of this Order all mortifications endowments trusts however constituted charitable bequests or other grants held or administered by the Corporation or by the office bearers (or any one or more of them) by themselves or in conjunction with any person shall be vested in held and administered by the Corporation or by so many of their number to be chosen by them for that purpose as may be necessary and by such person (if any) in pursuance of and in conformity with the deeds under which such mortifications endowments trusts charitable bequests or other grants are constituted for the purposes and with the rights powers and authorities and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the grantors or makers of such mortifications endowments trusts charitable bequests or other grants.

Trusts on behalf of city.

(2) Nothing herein contained shall affect the rights or powers conferred on any private individual nominated and appointed by any deed whereby any mortification endowment trust charitable bequest or other grant is constituted or the rights of property or personal privileges or immunities within the city (excepting as the same are expressly modified by the provisions of the Dundee Corporation Acts 1871 to 1946 and of this Order) enjoyed before the commencement of this Order by any person or class or community of persons.

35.—(1) Notwithstanding anything contained in any enactment it shall not be necessary to sign minutes of meetings of committees and sub-committees of the Corporation which have been submitted to the Corporation and such minutes shall be deemed to form part of the minutes of the meeting of the Corporation at which they were submitted.

Authentication of minutes of committees of Corporation.

(2) The foregoing provisions of this section shall not apply with respect to the signing of minutes of meetings of the education committee for the city appointed in pursuance of the Local Government (Scotland) Act 1929 or of any sub-committee of the said education committee.

19 & 20 Geo. 5.
c. 25.

PART V.

—cont.

Power to set
apart portions
of parks &c. for
games &c.

36.—(1) Notwithstanding anything contained in any enactment—

- (a) The Corporation may from time to time form and maintain or lay out or set apart in any part of any park open space pleasure ground or place of public resort or recreation (in this section referred to as "the parks") vested in them or under their control golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches and grounds for other outdoor games and may also form and maintain thereon yachting ponds swimming pools boating ponds curling and skating ponds and may provide apparatus therefor and from time to time provide erect maintain manage and carry on or authorise other persons to provide erect maintain and carry on stands pavilions waiting rooms refreshment rooms (other than for the sale of exciseable liquor) stores shelters baths lavatories and other buildings or structures for the players or the general public and the Corporation may appoint officers servants and attendants for taking charge thereof and may license caddies or other attendants;
- (b) The Corporation may from time to time let or lease for any purpose portions of the parks and the right to provide apparatus for purposes of recreation or amusement on such terms and subject to such conditions and for such periods as they think fit;
- (c) The Corporation or their lessees may levy reasonable charges for the use of or admission to ground set apart for the purposes before mentioned and for the use of or admission to stands pavilions apparatus waiting rooms refreshment rooms stores shelters baths lavatories and other buildings or structures and may fix the charges for the services of caddies and attendants.

(2) All expenditure incurred by the Corporation in carrying out the powers conferred on them by this section in so far as the said expenditure is not met by income from the parks may be defrayed out of the burgh fund established in pursuance of the Order of 1934 and shall be deemed to be embraced under Head 5—public parks—of the First Schedule to the Order of 1934.

(3) Section 110 (Power to set apart lands for games and provide buildings &c.) of the Dundee Corporation Order 1907 is hereby repealed.

(4) Nothing in this section shall be in derogation of the powers conferred on the Corporation by Part IV—Camperdown Estate—of the Dundee Corporation Order 1946.

(5) The Corporation shall not themselves show in the parks or any part thereof any cinematograph film other than a film illustrative of questions relating to health or disease or a film relating to the city.

37. Except as otherwise agreed in writing between the Corporation and the London and North Eastern Railway Company subsection (2) of section 36 (For the protection of the North British Railway Company) of the Dundee Street Tramways Recreation Grounds Police

and Improvement Act 1887 shall extend and apply with respect to the carrying out by the Corporation on any of the lands to which the said subsection (2) applies of any work under the powers conferred on them by the section of this Order of which the marginal note is "Power to set apart portions of parks &c. for games &c."

PART V.

—cont.

50 & 51 Vict.
c. lxxii.

38. The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

Dwelling-
houses for
persons in
Corporation's
employment.

39. Nothing contained in this Order shall alter prejudice or affect the saving provisions contained in sections 330 (Saving rights of the Crown) 331 (Saving rights under Crown Lands Act) and 333 (Saving rights of magistrates and town council of Dundee) of the Act of 1882 but such saving provisions shall apply to this Order and for the purposes thereof.

Saving saving
provisions in
Act of 1882.

40. Nothing contained in this Order or in any Act incorporated in whole or in part with this Order shall repeal alter diminish or affect any rights interests titles dues powers jurisdictions immunities privileges exemptions and authorities of the trustees of the harbour of Dundee secured under any statutes of and relating to the said trustees and their harbour undertaking or under any of the Acts public local or private relating to the Corporation.

Saving for
Dundee
harbour.

41. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree And in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown rights.

42. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation and charged to the various departments of the Corporation in such proportions as the Corporation shall hereinafter decide.

Costs of Order.

Ch. xvii.

Dundee Corporation
Order Confirmation Act, 1947.

10. & 11 GEO. 6.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2 ; 13a Castle Street, Edinburgh, 2 ;
39-41 King Street, Manchester, 2 ; 1 St. Andrew's Crescent, Cardiff ;
Tower Lane, Bristol, 1 ; 80 Chichester Street, Belfast
OR THROUGH ANY BOOKSELLER

Price 1s. *od.* net

(70842)