

*Dundee Corporation*  
*(Administration and General Powers)*  
*Order Confirmation Act, 1950*



## CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Dundee Corporation (Administration and General Powers). [27th April 1950.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said 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 (Administration and General Powers) Order Confirmation Act 1950. Short title.

## SCHEDULE

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### DUNDEE CORPORATION (ADMINISTRATION AND GENERAL POWERS)

*Provisional Order to consolidate with amendments the Acts and Orders relating to and to confer further powers on the corporation of the city and royal burgh of Dundee with respect to general administration police lighting public parks observatory municipal buildings art galleries museums and libraries seashore and strand weights and measures street traffic and other cognate matters to enact provisions as to the levying of rates to authorise the said Corporation to borrow further moneys and for other purposes.*

WHEREAS the corporation of the city and royal burgh of Dundee (hereinafter called "the Corporation") are vested with the municipal government police and health administration of the city and royal burgh of Dundee (hereinafter called "the city") and are also the local authority for the city for the purpose of the National Assistance Act 1948 and are the education authority for the city:

11 & 12 Geo. 6.  
c. 29.

And whereas the Acts and Orders relating to the several matters specified in this Order are very numerous and in many cases have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is expedient to retain were consolidated and if the further provisions contained in this Order with respect to such matters were enacted:

And whereas the late John Mills sometime manufacturer at Dallfield Dundee by his trust disposition and settlement dated the twenty-ninth April one thousand eight hundred and eighty-one and relative codicils directed his trustees to erect and maintain and equip an observatory in the city for the benefit of the community and authorised them if they thought proper to commit the same and the future management of the special trust constituted by him in that behalf to the public authorities for the city:

And whereas the said trustees duly erected an observatory known as the Mills Observatory on a site in Balgay Park made available by the Corporation and have in pursuance of the powers vested in them handed over the said Mills Observatory together with certain moneys arising out of the said special trust to the Corporation and it is expedient that the provisions contained in this Order with respect to the said Mills Observatory should be enacted and that the powers set forth in this Order relative thereto should be conferred on the Corporation:

And whereas it is expedient that the provisions contained in this Order with respect to the levying of rates should be enacted:



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And whereas sundry provisions of the Acts and Orders relating to the city are now spent or have been superseded by subsequent legislation and it would be of public and local advantage that such provisions should be repealed ;

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

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.—General administration
- Part III.—Officers and servants
- Part IV.—Police
- Part V.—Lighting
- Part VI.—Parks &c.
- Part VII.—Camperdown Estate
- Part VIII.—Mills Observatory
- Part IX.—Municipal buildings public halls &c.
- Part X.—Art galleries museums and libraries
- Part XI.—Beach &c.
- Part XII.—Weights and measures and sale of coal
- Part XIII.—Street traffic &c.
- Part XIV.—Miscellaneous and general.

PART I

PRELIMINARY

2.—(1) This Order may be cited for all purposes as the Dundee Corporation (Administration and General Powers) Order 1950. Short title and  
commencement  
of Order.

(2) Except as otherwise in this Order expressly provided this Order shall come into operation on the date of the passing of the Act confirming this Order which date is in this Order referred to as “the commencement of this Order.”

3. The following words and expressions in this Order have Interpretation. unless there be something in the subject or context repugnant to such construction the meanings hereby assigned to them (that is to say):—

“Act of 1947” means the Local Government (Scotland) Act 1947; 10 & 11 Geo. 6.  
c. 43.

“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

PART I  
—cont.

- Albert Institute and the Victoria Art Galleries together with the adjoining gardens and lands in connection therewith belonging to the Corporation ;
- “beach” means any bank dune flat or other land adjacent to the foreshore or to any river within the city so far as open to the public ;
- “burgh fund” means the burgh fund established under and in pursuance of the city Acts ;
- “burgh prosecutor” means the procurator-fiscal of the police court and includes his deposes ;
- “Camperdown Estate” means that portion of the estate commonly known as “the Camperdown Estate” purchased by the Corporation out of funds derived by them from the Sir James Caird Land Acquisition Fund ;
- “chief constable” means the chief constable of the city ;
- “city” means the city and royal burgh of Dundee ;
- “city Acts” means the local Acts and Orders applicable to the city ;
- “city chamberlain” means the city chamberlain of the city ;
- “city engineer” means the city engineer of the city ;
- “city map” means a map showing the boundaries of the city and of the several wards of the city signed by Matthew George Fisher Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936 and kept by the town clerk in pursuance of the section of this Order of which the marginal note is “Boundaries of the city” ;
- “city rates” means all assessments imposed and levied by the Corporation under and in pursuance of the city Acts or any other enactment relating to the Corporation ;
- “common good” means the common good fund of the city ;
- “constable” means any member of the police force and includes the chief constable ;
- “Corporation” means the lord provost magistrates and councillors of the city ;
- “daily penalty” means a penalty for every day on which any offence is continued after conviction therefor ;
- “dean of guild” means the dean of guild of the city ;
- “hydro-electric board” means the North of Scotland Hydro-Electric Board ;
- “lighting undertaking” means and includes all lands buildings workshops wayleaves lamp-posts standards lamp-brackets lamps cables pipes wires and other apparatus and appurtenances held used or enjoyed by the Corporation for the purposes of lighting the streets of the city together with all servitudes rights powers and privileges connected therewith ;
- “lord provost” means the lord provost of the city ;
- “magistrates” means the lord provost and bailies of the city for the time being and “magistrate” means any one of them ;



- “Mills Observatory” means the observatory erected in Balgay Park by the trustees acting under the trust disposition and settlement of the late John Mills dated twenty-ninth April one thousand eight hundred and eighty-one and relative codicils and now vested in the Corporation together with all instruments appliances equipment furniture and other property of all descriptions contained therein or connected therewith and the “Mills Observatory Trust Fund” means the principal sum of four thousand pounds paid over to the Corporation by the said trustees together with any further sums of money hereafter paid over to the Corporation by the said trustees in accordance with the said trust disposition and settlement ;
- “office bearers” means the office bearers of the city and includes the lord provost the bailies the dean of guild the city treasurer and the hospital master ;
- “parks” means and includes any land whether situated within or beyond the city provided owned or leased by or under the control of the Corporation and used for the purposes of recreation games sports or amusements or as a public playground (other than a school playground) public open space public walk and ornamental or pleasure ground or place of public resort or recreation and all buildings works appurtenances apparatus appliances machinery and plant servitudes rights powers and privileges connected therewith ;
- “police court” means the police court of the city ;
- “police force” means the police force of the city ;
- “Public Libraries Acts” means the Public Libraries (Scotland) Acts 1887 to 1920 and any Act extending or amending the same ;
- “public libraries committee” means the public libraries committee for the city appointed in pursuance of the Public Libraries Acts ;
- “Public Parks Act” means the Public Parks (Scotland) Act 1878 and any Act extending or amending the same ;
- “repealed Acts” means the provisions of Acts and Orders which are repealed by this Order ;
- “sheriff” means the sheriff of Perth and Angus and includes his substitutes ;
- “Sir James Caird Land Acquisition Fund” means the fund constituted by the will dated eleventh June one thousand nine hundred and nineteen and relative codicils of the late Mrs. Emma Grace Caird or Marryat to be known as the Sir James Caird Land Acquisition Fund and the income of which was by the said will directed to be utilised in the acquisition of land in or around the boundaries of the city in the interests and for the benefit of the community ;
- “street” means any highway road bridge square lane footpath close court or passage or any part thereof open and accessible to the public whether the same is a thoroughfare or not ;

PART I  
 —cont.

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

“Transport Commission” means the British Transport Commission and any reference to the Transport Commission in relation to any functions of the Transport Commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

“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.

10 & 11 Geo. 6.  
 c. 49.

PART II

GENERAL ADMINISTRATION

Boundaries  
 of the city.

4.—(1) The city shall continue to include and comprehend the area comprised within the boundaries set forth and described in the First Schedule to this Order (being the boundaries of the city as existing at the commencement of this Order) which area is delineated on the city map Provided that the description of the said boundaries shall be subject to the rules of construction prescribed by the Representation of the People Acts Provided further that if there be any discrepancy between the city map and the description in the First Schedule to this Order the city map shall be deemed to be correct and shall prevail.

(2) The city map shall be kept by the town clerk.

County of city.

5. The city shall continue to be a county of a city by the name of “the county of the city of Dundee” and all charters statutes enactments laws customs and usages and all jurisdictions prerogatives rights powers privileges and authorities as existing held used and enjoyed and applicable therein at the commencement of this Order shall continue to be held used and enjoyed and to be applicable within the county of the city of Dundee and the existing and future lords lieutenant deputy lieutenants and justices of the peace of the county of Angus shall not have jurisdiction power or authority within the county of the city of Dundee but nothing in this section shall affect the right of such justices to hold their courts and meetings as heretofore within the city nor the power and



authority which by the law of Scotland may be exercised by any justice of the peace beyond the limits of the county for which he is a justice.

PART II  
—cont.

6. The Distribution of Industry Act 1945 shall extend and apply to the city as defined by this Order as if the reference in the said Act to the county of the city of Dundee was a reference to the county of the city of Dundee as defined by this Order and the said Act in its application to the city shall be read and construed accordingly.

Application of  
Distribution of  
Industry Act  
to city.  
8 & 9 Geo. 6.  
c. 36.

7.—(1) Unless and until otherwise determined the city shall continue to be divided into twelve wards as existing at the commencement of this Order the numbers and boundaries of which wards are respectively set forth and described in the Second Schedule to this Order and shown on the city map.

Division  
into wards.

(2) The description of the boundaries of the said wards shall be subject to the rules of construction prescribed by the Representation of the People Acts Provided that if there be any discrepancy between the city map and the descriptions in the said Second Schedule the city map shall be deemed to be correct and shall prevail.

8. The division of the city into wards under the provisions of this Order shall have effect for parliamentary as well as municipal purposes but such division shall not affect the limits of any division of the city for the purpose of returning a member to serve for the division in Parliament.

Ward  
boundaries to  
have effect for  
parliamentary  
purposes.

9. Subject to the provisions of the city Acts the Corporation and the several office bearers shall have possess and may exercise over the city and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which at the commencement of this Order they respectively had or possessed whether by usage at common law by royal charter or by statute or otherwise including all powers of imposing levying and recovering rates and assessments dues and charges and all rights privileges immunities and obligations enjoyed and possessed by or incumbent on the inhabitants of the city at the commencement of this Order shall continue to apply to the inhabitants of the city.

Powers of  
Corporation &c.

10.—(1) Subject to the provisions of the city Acts the common good and all property belonging to the Corporation at the commencement of this Order or to which the Corporation are entitled or which is held or administered by any person for or on behalf of the community of the city or for the public ends and purposes thereof shall continue to be vested in and be held by the Corporation for the behoof and benefit of the city or to be administered by such person for or on behalf of the community of the city or for the public ends and purposes thereof.

Vesting of  
property in  
Corporation.

(2) Where any property or any rights powers privileges or immunities have been transferred to or vested in the Corporation by virtue of the provisions of the repealed Acts or of any Act or Order in force at the time of such transfer the same shall continue to be

PART II  
 —cont.

vested in the Corporation without the necessity of recording in the register of sasines any conveyance or notice of title or other deed or writing but for the purpose of enabling the Corporation to complete a title if thought fit to any property transferred to and vested in them by virtue of the repealed Acts or any such Act or Order this Order or such Act or Order and this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

(3) Except as otherwise expressly provided in this Order nothing in this Order shall affect the powers and rights of the Corporation in respect of the common good and all property and rights of whatever description forming part of or pertaining to the common good at the commencement of this Order shall subject to the provisions of this Order continue to form part of or pertain to the common good.

Number of  
 town councillors  
 and magistrates.

11.—(1) The Corporation shall subject to the provisions of section 330 of the Act of 1947 consist of thirty-six town councillors and the number of such town councillors to be elected magistrates shall be nine of whom one shall be lord provost and eight shall be bailies.

(2) Each of the wards of the city shall be represented on the Corporation by three town councillors.

Style or name  
 of Corporation  
 and common  
 seal.

12.—(1) The lord provost magistrates and councillors of the city 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.”

(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) The common seal of the Corporation shall comprise 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.”

Execution of  
 deeds by  
 Corporation.

13. All charters dispositions assignations conveyances contracts leases deeds instruments and writs whatsoever to be granted made and executed by or on behalf of the Corporation shall be good valid and effectual if subscribed by the lord provost and the senior or first bailie and the treasurer of the city for the time being or any two of them or by any two members of the Corporation and by the town clerk for the time being.

Authentication  
 of minutes of  
 committees of  
 Corporation.

14.—(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.

(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 Act of 1947 or of any sub-committee of the said education committee.

PART II  
—cont.

15.—(1) Subject to the provisions of the city Acts 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 city Acts) enjoyed before the commencement of this Order by any person or class or community of persons.

(3) There shall be excepted from the provisions of this section the trust constituted and bequests gifted under the trust disposition and settlement and codicils dated respectively nineteenth December one thousand eight hundred and ninety-one fourth October one thousand eight hundred and ninety-three ninth March one thousand eight hundred and ninety-six and twentieth October one thousand eight hundred and ninety-six and all registered in the books of council and session twenty-third May one thousand eight hundred and ninety-eight of the late James Guthrie Orchar engineer Dundee and for the three trustees appointed by the said trust disposition and settlement and codicils from the magistrates of the former burgh of Broughty Ferry there shall be substituted three of the councillors of the city for the time being representing the tenth and eleventh wards thereof and elected by the Corporation.

16. The Corporation shall—

- (a) make reasonable provision for and thereafter maintain in that part of the city comprising the former burgh of Broughty Ferry public baths and wash-houses subject to such regulations and conditions and on payment of such reasonable charges for the use thereof as may be made by the Corporation ;
- (b) maintain in the said part of the city the district library with a reading room established in pursuance of the repealed Acts ;
- (c) make reasonable provision in the said part of the city for the collection of the city rates and shall with respect to

Provisions as  
to former  
burgh of  
Broughty Ferry.

**PART II**  
 —cont.

the various public services undertaken by the Corporation treat the said part of the city in the same way as other districts of the city ;

- (d) make suitable provision in the said part of the city for holding Courts for the trial of police and ejection cases.

Provision as to registration of births deaths and marriages.

17. Notwithstanding anything in the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1938 a registrar of births deaths and marriages may have his known place of business or office at such place outside the district for which he is registrar as the Corporation with the approval of the Registrar-General for Scotland (and in addition in any case where any registration district is not wholly within the city with the consent of the local authority concerned) may deem expedient.

Order not to affect benefit conferred by birth or residence.

18. Notwithstanding the provisions of this Order the claim to or enjoyment of any benefit which is conferred or which may be claimed or enjoyed under any Act Order or scheme in existence or under any deed or instrument testamentary or otherwise in respect of birth or residence in or in connection with the county of Angus as existing at the passing of such Act or Order or at the coming into effect of such scheme or at the time of the execution of such deed or instrument as aforesaid shall not be interfered with or prejudiced in so far as parts of the said county as then existing as aforesaid are now included in and deemed to be part of the county of the city of Dundee.

Saving in respect city is royal burgh.

19. Nothing contained in the city Acts shall be held or construed to take away abridge or diminish any rights powers privileges jurisdictions or authorities (whether by statute at common law or by usage or custom) acquired by vested in or enjoyed by the lord provost magistrates and other office bearers the Corporation and the members and officers of the Corporation in respect that the city is a royal burgh.

**PART III**

**OFFICERS AND SERVANTS**

Existing officers to continue in office.

20. Subject to the provisions of this Order the several officers of or appointed by the Corporation and in office at the commencement of this Order shall continue to possess and exercise in their several characters and capacities the same powers and authorities as they possessed and exercised in their several characters and capacities whether by usage or at common law or by statute before the commencement of this Order.

City engineer.

21.—(1) The Corporation shall from time to time appoint a fit person who shall be a chartered civil engineer to be city engineer and subject to the provisions of the city Acts the city engineer shall perform such duties as the Corporation shall determine.

(2) The Corporation may appoint one or more persons to act as city engineer depute and except as may be otherwise provided in the appointment of any such depute all things required by law to be done by or to the city engineer may be done by or to any city engineer depute.



22. Subject to the provisions of the city Acts and of any other enactment the Corporation may in their discretion at any time transfer from any one of their officers to any other of their officers such duties under the city Acts or otherwise as shall in their opinion be more appropriate to the office of such other officer or as they may determine and they may require such other officer to perform the duties so transferred.

PART III  
 —cont.  
 Transfer of  
 duties of officers.

#### PART IV

##### POLICE

23.—(1) The Corporation shall subject to the approval of the Secretary of State from time to time appoint a chief constable who shall have the charge control and superintendence of the police force and shall be responsible to the Corporation for the maintenance of the police force in a state of efficiency.

Appointment of  
 chief constable.

(2) If it appears to the Corporation that it is necessary to inquire into the conduct or efficiency of the chief constable they may cause inquiry to be made by a committee of members of the Corporation appointed by them for that purpose and pending such inquiry they may if they think fit suspend the chief constable from duty.

(3) The Police (Scotland) Regulations so far as relating to discipline shall mutatis mutandis apply to any inquiry under the foregoing subsection.

(4) Subject to the provisions of the Police (Appeals) Act 1927 the Corporation may if satisfied of misconduct or inefficiency on the part of the chief constable dismiss him or require him to resign as an alternative to dismissal.

17 & 18 Geo. 5.  
 c. 19.

(5) For the purposes of this and the next succeeding section of this Order the expression "Police (Scotland) Regulations" means the Police (Scotland) Regulations 1920 made by the Secretary of State under the Police Act 1919 and any regulations for the time being in force amending or extending the same or in substitution therefor.

9 & 10 Geo. 5.  
 c. 46.

24. The Corporation shall subject to the approval of the Secretary of State from time to time fix the number of persons to be employed as constables and the number to be employed in any particular rank of the police force and subject to the provisions of the Police (Scotland) Regulations the chief constable shall appoint proper persons to be constables and may promote or suspend or dismiss any constable.

Appointment  
 of constables.

25.—(1) The chief constable shall subject to the approval of the Corporation appoint a constable to act during his temporary absence or illness as chief officer of police and to exercise all the powers of the chief constable and the chief constable may at any time subject as aforesaid revoke the appointment of such constable.

Appointment  
 of temporary  
 substitute for  
 chief constable.

**PART IV**  
 —cont.

(2) Any constable holding appointment as aforesaid shall act as chief officer of police and shall exercise all the powers of the chief constable in the case of the death retirement dismissal or suspension of the chief constable. Provided that the Corporation may terminate the appointment as aforesaid of such constable and may appoint any other constable to act as chief constable until a chief constable is appointed.

**Appointment  
 of special  
 constables.**

26.—(1) For the purpose of aiding the police force in the execution of their duty the chief constable may (subject to the approval of the Corporation as to the number of persons to be appointed) from time to time appoint any suitable persons not under the age of twenty years to act as special constables and the Corporation may incur such expense as may be requisite for the equipment and training of such special constables.

(2) The chief constable may recall any such appointment at pleasure.

(3) The special constables so appointed shall be under the direction of the chief constable and on making the declaration required to be made under the section of this Order of which the marginal note is "Declaration by constables" shall (when required by the chief constable to be on police duty) have the same powers and privileges as constables of the police force.

(4) A roll of the names and addresses of all special constables shall be kept by the chief constable.

**Declaration  
 by constables.**

27. The chief constable and other constables appointed under this Part of this Order shall make the following declaration before a magistrate viz.:—" I hereby do solemnly sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable."

**Power to  
 augment number  
 of constables  
 temporarily &c.**

28.—(1) The lord provost or the sheriff may at any time increase the number of constables in the city by obtaining for a temporary period the service of constables from other burghs or counties in Scotland and such constables shall for the time being have all the powers and privileges of constables appointed in pursuance of the section of this Order of which the marginal note is "Appointment of constables."

(2) On the requisition of the sheriff of any county or chief magistrate of any burgh in Scotland the chief constable shall if so directed by the magistrates or in the case of urgency by the lord provost or in his absence the senior magistrate detach constables to act in any such county or burgh guarantee being obtained for—

(a) outlay and expense ;

(b) a reasonable sum for the services of the constables ; and

(c) provision in the case of constables being injured or killed.

(3) During the time they are so doing duty in other counties or burghs the constables shall have all the powers and privileges of constables of such counties or burghs respectively.



(4) On the requisition or order of the Secretary of State the chief constable shall have power to supply a certain portion of the police force under his charge for any special or temporary duty or service elsewhere within Scotland the proportion from the police force not to exceed ten per centum and the expense to be defrayed by the police force requiring the extra police assistance.

29.—(1) It shall be the duty of the chief constable and (according to instructions of the chief constable) of every constable appointed under this Part of this Order to guard patrol and watch within the city and to apprehend and bring before a magistrate all persons found committing any criminal riotous or disorderly act or accused or suspected of having committed crimes delinquencies or offences of whatever description and at what place or period the same may have been or are suspected to have been committed whether the same be of such a kind as can be competently tried before a magistrate or be of a nature requiring to be remitted for trial before a higher court or which from having been committed beyond the city fall to be tried in another jurisdiction and to do all other things required of them by law.

Duties of chief constable and constables.

(2) The chief constable shall when required attend at any meeting of the Corporation or of the magistrates or of any committee of the Corporation for the purpose of consultation as to the business of the Corporation or of the magistrates or of such committee provided that he shall not be required to disclose any secret or confidential communication or give any information which if disclosed might in his opinion tend to defeat the ends of justice.

30.—(1) Constables shall have in the city and in the counties of Angus Perth and Fife and in any burgh contiguous or adjacent to the city and in any harbour bay loch or anchorage within or adjoining the city or any of those counties or such burgh all the powers and privileges appertaining for the time being to any constable by common law or by any general Act as well as all the powers and privileges specially conferred on constables by the city Acts.

Powers and privileges of constables.

(2) A constable shall not exercise within any of the said counties or any such burgh or any harbour bay loch or anchorage adjoining the city any powers in excess of those exercisable by members of the police force of the local authority having jurisdiction for police purposes within any of the said counties or any such burgh harbour bay loch or anchorage as aforesaid.

31.—(1) Subject to the provisions of the Police Pensions Act 1948 a constable appointed under this Part of this Order shall not resign his office or withdraw himself from the duties thereof unless—

Constables not to resign without leave. 11 & 12 Geo. 6. c. 24.

(a) in the case of the chief constable he is expressly allowed so to do by the Corporation in writing or until after he has given to the Corporation one month's notice; and

(b) in every other case he is expressly allowed so to do by the chief constable whom failing the Corporation or until after he has given to the chief constable one month's notice.



**PART IV**  
*—cont.*

(2) Any constable who resigns or withdraws himself from the duties of his office without such leave or notice shall forfeit all arrears of pay then due to him and shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds or to imprisonment for a period not exceeding thirty days.

Return of  
 accoutrements  
 &c.

32.—(1) Any constable appointed under this Part of this Order and any other person appointed for the purpose of carrying out police duty who is dismissed from or ceases to hold and exercise his office shall—

(a) if he is the chief constable deliver to such person and at such time as the Corporation may direct; and

(b) in any other case deliver forthwith to the chief constable; all clothing equipment and necessaries which have been supplied to him as a constable for the purposes of his duty as aforesaid.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds or to imprisonment for a period not exceeding thirty days and a magistrate or sheriff may grant warrant to search for and seize all such clothing equipment and necessaries not so delivered wherever the same are found.

Penalty for  
 unlawful  
 possession of  
 accoutrements  
 &c.

33. Any person not being a constable appointed under this Part of this Order who—

(a) has in his possession any article being part of the clothing equipment or necessaries supplied to any constable and is not able satisfactorily to account for his possession thereof; or

(b) wilfully and falsely pretends to be or takes the name designation or character of a constable;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding sixty days and such penalty shall be in addition to any other punishment to which he may be liable.

Rewards to  
 constables &c.

34.—(1) For the purpose of rewarding any constable for outstanding services or of rewarding any person for aiding or assisting the police force and of remunerating persons necessarily employed for special services the Corporation may pay to such constables or person such sum as shall to them seem proper and may make such other award as they think fit.

(2) The total amount which may be expended by the Corporation under the powers of this section shall not in any one year exceed the sum of five hundred pounds.

Adoption of  
 certain sections  
 of Burgh Police  
 (Scotland)  
 Act 1892.  
 55 & 56 Vict.  
 c. 55.

35. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been adopted by the Corporation in terms of that Act and shall come into force in the city at the commencement of and as part of this Order (that is to say):—

Section 84 (Constables may execute warrants);

Section 87 (Penalty on persons obstructing constables in their duty);



Section 401 (Constables may enter certain premises);  
Section 502 (Chief constable to keep register of persons convicted).

PART IV  
—cont.

36. The Corporation may continue erect construct provide maintain alter improve enlarge renew or replace— Police stations and buildings.

- (a) police stations police court houses police offices police kiosks pillars and other erections for the police force;
- (b) dwelling-houses or other housing accommodation for members of the police force; and
- (c) stables garages horses motor vehicles ambulances and all necessary furnishings appurtenances appliances implements and accoutrements;

and for all such purposes or any of them the Corporation may from time to time as they think fit by agreement purchase feu or lease any lands or premises.

37.—(1) The Corporation may erect or fix police telephone call boxes and shelters or boxes for the use of police officers in such positions in any street footpath or public place within the city as they think fit: Power to erect police call boxes and shelters.

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. 32 & 33 Vict. c. 73.

(2) Any person who knowingly or improperly uses or causes to be used by means of any false or malicious statement message or otherwise any telephone in any such police telephone call box shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The Corporation shall not under the powers of this section erect or fix any such police telephone call boxes and shelters or boxes for the use of police officers—

- (a) in or upon any bridge carrying a street over a railway of the Transport Commission or the approaches thereto or under any bridge carrying a railway of the Transport Commission over a street; or
- (b) in any street belonging to and repairable by the Transport Commission and forming the approach to any station or depot of the Transport Commission; or
- (c) so as to obstruct the access to or exit from any station or depot of the Transport Commission constructed and maintained under statutory authority;

except in each case with the consent in writing of the Transport Commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbiter to be appointed failing agreement by the Minister of Transport; or

- (d) on the footway fronting property used as dwelling-houses except with the consent in writing of the owners and occupiers of such property; or

PART IV  
 —cont.

(e) in any street footpath or public place within the jurisdiction of the trustees of the harbour of Dundee except in each case with the consent in writing of such trustees but such consent shall not be unreasonably withheld and any question as to whether any such consent is unreasonably withheld shall be referred to the arbitration of a single arbiter to be appointed failing agreement by the Minister of Transport.

(4) Any person the use or enjoyment of whose property is interfered with by the erection or fixing of any such police telephone call box or shelter or box for the use of police officers may appeal to the sheriff within one month after the erection or fixing thereof and the sheriff shall have power to make such order for the removal or alteration of the position thereof as the sheriff may think fit.

PART V  
 LIGHTING

Vesting of  
 lighting  
 undertaking.

38. The lighting undertaking as it exists and as it is used and enjoyed by and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and be held used and enjoyed by them.

Streets to  
 be lighted.

39. Subject to the provisions of the city Acts the Corporation shall make provision for lighting in a suitable manner the streets of the city which in their judgment should be lighted at the public expense.

Works for  
 lighting streets.

40.—(1) The Corporation shall provide erect and maintain such lamps lamp-posts standards lamp-brackets cables pipes wires and other apparatus as they think necessary for lighting the streets and they may fix brackets electric conductors wires lamp-irons lamp and gas tubes or any other apparatus required for lighting the streets either upon the foot pavements or footways or on the railings or upon the houses or other buildings on the sides of the streets or in such other manner as they shall deem necessary and proper without being liable to any claim for compensation thereanent.

(2) Nothing contained in this section shall empower the Corporation to fix brackets electric conductors wires lamp-irons lamp and gas tubes or any other apparatus to—

(a) any part of any bridge station depot viaduct or other property forming part of any railway of the Transport Commission without their consent in writing which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be determined by the sheriff ; or

(b) to any gas works or other property forming part of any gas works belonging to the Scottish Gas Board without the consent in writing of the Scottish Gas Board which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be determined by the sheriff.



41. If the Corporation have given permission to any person to erect any lamps lamp-posts lamp-brackets gas or electric fittings or other apparatus in any street or place under their control and such person does not fulfil the conditions (if any) attached to such permission or does not remove any such lamps lamp-posts lamp-brackets fittings or other apparatus when called upon to do so (which the Corporation are hereby empowered to do) within a reasonable time to be specified in the notice calling for such removal the Corporation may take possession of or remove such lamps lamp-posts lamp-brackets fittings or other apparatus without compensation being made therefor and may recover the cost of such removal from the owner thereof Provided that any such lamps lamp-posts lamp-brackets fittings or other apparatus so removed shall be delivered up to the owner thereof in the event of his claiming the same within six weeks after such removal and paying all costs and expenses attending the removal and preservation of the same.

PART V  
 —cont.  
 Removal of  
 lamp-posts &c.

42. Any person who—

- (a) takes away or wilfully breaks or throws down or damages any lamp-post lamp-bracket lamp or lighting apparatus belonging to or set up by the Corporation ; or
- (b) wilfully damages the appurtenances of any such lamp or lighting apparatus ; or
- (c) without lawful authority extinguishes the light thereof ;

Penalty for  
 wilfully breaking  
 lamps &c.

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and moreover shall pay such further sum as the magistrate may assess as the amount of the damage done by him and the payment of such damage shall be enforced in the same way as if it were an additional penalty.

43. Any person who through negligence or accident breaks or throws down or damages any lamp-post or lamp-bracket or lamp or the appurtenances of the same belonging to or set up by the Corporation and does not upon demand make satisfaction for such damage upon complaint thereof being established in the police court shall be ordered to pay such sum of money as is proved to be the amount of such damage which sum shall be recoverable as a civil debt.

Procedure  
 where lamps  
 &c. accidentally  
 broken.

44.—(1) The owners of common stairs or passages or private courts or of houses or buildings in or entering or having a right of access by any common stair or passage or private court shall provide and fit up and maintain and renew in such common stairs passages or private courts all necessary lamps brackets and other means of lighting and all necessary means of extinguishing the light as may be required by the Corporation therefor.

Lighting of  
 common  
 stairs &c.

(2) Such owners shall within seven days after the service by the Corporation of an order for that purpose provide and fit up in such common stairs or passages or private courts such number of lamps and brackets and other means of lighting and all such means of

**PART V**  
 —cont.

extinguishing the light as the Corporation may determine and arrange for the provision of the necessary supply of electricity or gas or other light and shall maintain alter repair and renew such lamps and brackets and other means of lighting to the satisfaction of the Corporation.

(3) Any owner who fails to comply with any order or requirement of the Corporation made under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and a daily penalty of forty shillings.

(4) The owners so arranging for the provision of a supply of electricity or gas or other light shall be entitled to recover the amount expended in providing such supply from the occupiers of every such house or building in or entering or having access by the common stair or passage or court each such occupier being liable to pay his proportionate part of such amount according to the rent payable by each such occupier respectively.

(5) The occupiers shall in all cases clean and light and extinguish the lights at such times as are ordered by the Corporation by any resolution passed by the Corporation and published once weekly for at least two weeks in some newspaper published in the city.

(6) Any occupier failing to comply with any such order or resolution shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings and to a daily penalty of twenty shillings.

**Power to  
 Corporation to  
 supply light and  
 charge owner.**

45.—(1) The Corporation may at any time and from time to time as they think fit provide and fit up and maintain and renew in such common stairs or passages or private courts as they may consider to be insufficiently lighted all necessary lamps and brackets and other means of lighting and all necessary means of extinguishing the light and arrange for the provision of the necessary supply of electricity or gas or other light therefor.

(2) Any officer or servant of the Corporation may clean any lamps and brackets and other means of lighting and may light and extinguish the same and for all purposes aforesaid any officer or servant of the Corporation shall have access to and from all such common stairs passages or private courts at all times.

(3) The Corporation may in such cases as they think fit recover the expense they may incur as aforesaid as a debt from the owner or if there are more owners than one then proportionately from each owner according to the rateable value of the properties of each owner in any house or building or part thereof to which access is obtained by such common stair or passage or private court and such owners shall be entitled to recover the amount expended in providing the supply of electricity or gas or other light from the occupiers each such occupier being liable to pay his proportionate part of such amount according to the rent payable by him Provided always that the expense recoverable by the Corporation as aforesaid shall not in any case exceed fifty shillings annually for each lamp.



## PART VI

## PARKS &amp; C

46. Subject to the provisions of this Order the parks as they exist and as they are used and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and be held used and enjoyed by them. Vesting of parks.

47.—(1) Subject to the provisions of this Part of this Order the Corporation shall in addition to the powers conferred on the Corporation by the Public Parks Act and any other enactment have and may exercise all or any of the following powers in connection with the parks (that is to say):— Powers as to parks.

(a) They may reclaim drain and improve the surface of the parks or any part thereof and execute construct and maintain all necessary works for that purpose ;

(b) They may form improve and maintain roads drives foot-paths riding tracks and walks in the parks and do such other things as from time to time may appear to the Corporation to be expedient for the use and enjoyment of the parks by the public ;

(c) They may—

(i) lay out and maintain or set apart in any part of the parks golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches and grounds for other outdoor games and places for dancing ;

(ii) form and maintain therein yachting ponds swimming pools boating ponds curling and skating ponds ; and

(iii) regulate the playing of games in the parks and the use of such places for dancing and as ponds and pools ;

(d) They may provide and maintain in any of the parks any apparatus and facilities for games recreation and amusement and may make reasonable charges for the use of such apparatus and facilities ;

(e) They may—

(i) provide erect maintain manage and carry on in the parks or authorise other persons to provide erect maintain and carry on therein museums collections of natural history or science or art refreshment rooms stands pavilions waiting rooms shelters stores club-houses baths lavatories and other conveniences conservatories winter gardens tool-houses dwelling-houses for park keepers and other similar officers of the Corporation and other such erections ; and

(ii) charge and take such rents rates or charges as they think fit in respect of the use of the parks and of such yachting ponds swimming pools boating ponds curling and skating ponds tennis courts bowling greens putting greens polo grounds football pitches golf courses cricket

PART VI  
 —cont.

pitches hockey pitches grounds places for dancing  
 refreshment rooms stands pavilions waiting rooms shelters  
 stores club-houses baths lavatories and other conveniences  
 or other erections ;

(iii) appoint officers servants and attendants for taking charge thereof ;

(iv) license golf caddies or other attendants ; and

(v) fix the charges for the services of golf caddies and attendants :

Provided that the powers conferred on the Corporation under this subsection with respect to the provision erection maintenance management and carrying on of refreshment rooms and the supply of refreshments shall be exercised subject to the provisions of all enactments orders, byelaws or regulations relating thereto ;

- (f) They may provide or contribute towards the expense of providing music or other entertainment in the parks and may enclose any portion of any park for the convenience of persons listening to music or other entertainment and may make or permit to be made reasonable charges for admission thereto ;
- (g) They may provide or grant authority on such terms and conditions as they think fit to any person to provide chairs or seats in any park and to make or allow such person to make reasonable charges for the use of such chairs or seats ;
- (h) They may from time to time on such terms and subject to such conditions and for such periods as they think fit—
- (i) let or permit to be used for any special or temporary purpose portions of the parks ; and
- (ii) let the right to provide apparatus for the purposes of games recreation or amusement ;
- (i) They may set apart any portion of the parks as a playground for children and provide gymnastic or other apparatus therefor and may fix the age above which persons shall not be permitted to play therein ;
- (j) They may levy reasonable charges for admission into any museum conservatory winter garden collection of works or specimens of natural history or science or art and other similar places and buildings in the parks.

(2) A certificate shall not be granted under the Licensing (Scotland) Acts 1903 to 1934 for the sale of excisable liquor in any premises provided under this section but nothing in this subsection shall render it unlawful to grant under section 40 of the Licensing (Scotland) Act 1903 a special permission for an entertainment in any such premises.

3 Edw. 7. c. 25.

(3) 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.



(4) (a) The Corporation shall not in the exercise of the powers of this section execute construct or maintain any works or excavate fill up or deposit any spoil or other material on any lands situated between or adjacent to any of the piers or abutments of the viaduct carrying the railway of the Transport Commission across the river Tay except in accordance with plans and sections or specifications previously submitted to and reasonably approved by the Transport Commission and under the direction and superintendence (if given) of an engineer to be appointed by the Transport Commission:

Provided that if the Transport Commission do not approve or disapprove any plans and sections or specifications so submitted to them within twenty-one days after such submission they shall be deemed to have approved thereof.

(b) If any difference arises between the Corporation and the Transport Commission under this subsection the same shall be determined by an arbiter to be appointed failing agreement by the sheriff.

(c) In this subsection the expression "sheriff" shall not include sheriff-substitute.

48. In addition to the powers to make byelaws conferred upon the Corporation by the Public Parks Act the Corporation may make <sup>Byelaws as</sup> ~~to parks~~ byelaws for all or any of the following purposes (that is to say):—

- (1) For the general management regulation control and better preservation of the parks and for regulating and ensuring good order in the use of the parks and the regulation and control of golf or any other games now played or which may hereafter be played in the parks and the regulation and control of dancing in the parks:
- (2) For licensing appointing and regulating golf caddies and professional golfers and golf experts and all other persons who may be employed in the parks for remuneration or reward and for fixing and regulating the charges for their services:
- (3) For the prevention of unlicensed persons being employed or taking employment in the parks:
- (4) For the orderly conduct of persons frequenting or using the parks or playing golf or any other games therein:
- (5) For excluding and removing from the parks gipsies hawkers and beggars and all persons committing a breach of the peace or infringing any byelaw:
- (6) For regulating and prescribing the days on which games may be played and the hours at which games may be permitted in the parks or in any part thereof:
- (7) For preventing or regulating the admission to the parks of vehicles and of horses and other animals:
- (8) For protecting from injury any golf courses and turf and greens and all tee boxes guide posts bunkers golf holes pins flags and other fittings connected therewith and any

**PART VI**  
*—cont.*

yachting ponds boating ponds curling and skating ponds tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches or ground set apart for any other games or any places for dancing or any apparatus or implements used for or in connection with any games established or provided in any part of the parks:

- (9) For regulating and varying from time to time any charges to be exacted from persons using any place for the playing of games or for dancing in the parks and the recovery thereof and the exclusion and removal of persons refusing or evading payment thereof.

As to temporary use of parks for other purposes.

49. Subject to the provisions of this Order the Corporation may use or permit the use of the whole or any part of any of the parks for any periods not exceeding in the whole one month in any one year for any special purpose other than a purpose for which such park may ordinarily be used and may when the park is being so used close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons to such park or such portion thereof as they may fix.

As to parks outside city.

50.—(1) Any park which has been or may be provided or administered by the Corporation outside the city shall be deemed to be within the city for the purpose of the control regulation and management of the same and the provisions of the Public Parks Act and of the city Acts (so far as relating to the parks) as to the making of rules regulations and byelaws shall extend and apply to every such park.

(2) Nothing in this section shall affect or interfere with the area or jurisdiction of any justices of the peace or any court of competent jurisdiction or any police force.

(3) Such byelaws shall before confirmation be subject to the approval of the county council of the county in which the park to which any such byelaws apply is situated.

Saving for deeds of gift &c. relating to parks.

51. Nothing in this Part of this Order shall be in derogation of any existing deed of gift or trust deed or conveyance under or in pursuance of which any of the parks are now vested in the Corporation and all trust funds now held by or vested in the Corporation for the purpose of keeping any of the parks in proper order and for defraying other necessary expenses in connection therewith shall continue to be applied by the Corporation for such purposes.

Powers as to Belmont Estate and mansion house.

52.—(1) The Corporation shall be empowered to take all such measures as may be necessary to enable the property and estate known as Belmont Estate and the mansion house and other buildings held by them in connection therewith to be used as a home of rest for the workers of the city and for the purposes thereof may engage such staff and make such arrangements and frame such rules and regulations and fix such charges as may be necessary for the upkeep and conduct of the same.



(2) The Corporation may instead of themselves carrying on such a home arrange for the carrying on of the same by any suitable society or institution.

(3) All expenses of keeping the said estate and mansion house in proper order and repair and altering extending or improving the mansion house and for carrying on and keeping the same as a home of rest as aforesaid and for defraying the other expenses connected therewith including the payment of interest and repayment of contributions on borrowed money in so far as the said expenses are not met by revenue derived from the said estate and mansion house may be met and defrayed out of the burgh fund and shall be deemed to be expenditure payable wholly by occupiers.

(4) Subject to the provisions of this section and in addition thereto the foregoing provisions of this Part of this Order shall apply to the said estate and mansion house.

53. In the interests of owners of properties abutting on the north side of Somerville Place and on the east side of Constitution Road so far as fronting any of the ground formerly forming part of the land known as the Bleaching Green conveyed to the directors of the Dundee Royal Infirmary in pursuance of the repealed Acts any building which may be erected upon the ground so conveyed shall not be erected nearer to the line of the existing buildings on the north side of Somerville Place than one hundred and twenty feet and the ridge of the roof of any buildings to be so erected fronting Somerville Place shall not exceed a height of twenty-eight feet above the natural surface of the ground at any point one hundred and twenty feet distant from the line of the said existing buildings on the north side of Somerville Place and buildings which may be erected on the said ground shall not be erected farther east than a line thirty feet to the west of the present west line of Constitution Road.

Restriction on  
buildings on  
Bleaching  
Green.

54.—(1) Any open space which has been set apart or used as ornamental or pleasure or garden ground and which belongs to two or more owners or which is vested in two or more persons for the purpose of upkeep and management (which owners or persons are hereinafter in this section referred to as "owners") together with any walls or fences enclosing such open space shall be kept by the owners in reasonably good condition to the satisfaction of the Corporation.

Open spaces.

(2) If the Corporation think that such open space and the walls and fences which enclose it are not being kept in reasonably good condition they may serve a notice upon the owners requiring them to carry out such work as may be requisite to put such open space and the walls and fences which enclose it into good condition or to lay out and maintain such open space in a suitable manner or to repair any enclosing wall or fence all in such way and manner as may be specified in such notice and within a time to be stated therein (not being less than one month).

(3) In the event of such notice not being complied with within the time stated the Corporation may resolve that the custody and management of such open space and any walls or fences enclosing

**PART VI**  
 —cont.

such open space shall be transferred to them to be thenceforth maintained for the public benefit and advantage and such open space and walls or fences shall be transferred accordingly.

(4) Any person aggrieved by a notice of the Corporation under subsection (2) of this section may appeal to the sheriff within fourteen days from the date of service of such notice and shall send notice in writing of such appeal to the Corporation within twenty-four hours after such appeal has been lodged and the sheriff shall have power to confirm the order appealed against or if he considers the order should not have been made to declare such order to be void and of no effect.

(5) Where under the provisions of subsection (3) of this section or under other statutory powers the custody and management of any open space has been or may hereafter be transferred to the Corporation the solum of such open space shall continue to be or where such custody or maintenance may be hereafter undertaken shall be as at the date of the resolution of the Corporation transferring the same vested in the Corporation but to the extent and effect only of enabling the Corporation to utilise such open space as ornamental or pleasure or garden ground. Provided that—

- (i) such open space shall not be used for any purpose inconsistent with the use and enjoyment of such open space as ornamental or pleasure or garden ground; and
- (ii) the Corporation may in their discretion and notwithstanding anything in the titles of any such open space remove any enclosing walls or fences.

(6) The owners of an open space set apart or used for ornamental or pleasure or garden ground may agree to transfer such open space to the Corporation and the Corporation may accept such transfer subject to such conditions (if any) as may be agreed between the Corporation and the owners and may undertake the custody and management of such open space and thereafter such open space shall be maintained for the public benefit and advantage.

**PART VII**

**CAMPERDOWN ESTATE**

Vesting of  
Camperdown  
Estate.

55. Subject to the provisions of this Part of this Order the Camperdown Estate shall continue to be vested in the Corporation and the Corporation may exercise with respect to the Camperdown Estate the powers conferred on them by this Part of this Order.

As to capital  
expenditure on  
Camperdown  
Estate.

56. The Corporation may defray out of the income of the Sir James Caird Land Acquisition Fund any expenditure of a capital nature incurred by them in respect of Camperdown Estate.

Part of  
Camperdown  
Estate to be  
public park.

57. That part of the Camperdown Estate which is edged green on the plan signed by William McLean Watson the chairman of commissioners to whom the Dundee Corporation Order 1946 was referred and deposited with the town clerk in pursuance of the repealed Acts (which part of the Camperdown Estate is hereinafter in this Part of this Order referred to as "Camperdown Park") shall



be held and maintained by the Corporation as a public park and a place for public resort and the provisions of Part VI of this Order shall so far as not inconsistent with the provisions of this Part of this Order extend and apply to Camperdown Park as fully in all respects as if those provisions were herein re-enacted with reference thereto.

PART VII  
 —cont.

58. The Corporation may utilise any part of Camperdown Park for camping grounds and may in connection with any such camping grounds—

Camping facilities in Camperdown Park.

- (a) provide such facilities for camping purposes as they think proper ; and
- (b) make such reasonable charges for camping sites and impose such conditions and make and impose such regulations for the use of such sites and with respect to any such camping grounds as they think fit.

59. The Corporation may utilise or may let such portions of Camperdown Park for such periods and subject to such terms and conditions as they think fit and proper for the purpose of carrying on farming operations or nursery gardens or similar purposes and they may let such portions of Camperdown Park for such periods and subject to such terms and conditions as they think fit and proper to persons clubs companies and organisations for the exclusive use thereof by such persons clubs companies and organisations as sports or playing fields or as agricultural or horticultural or similar show grounds.

Powers to let portions of Camperdown Park.

60. Notwithstanding anything contained in the section of this Order of which the marginal note is "Part of Camperdown Estate to be public park" the Corporation may if they think fit utilise for the purpose of widening or improving the public road known as Coupar Angus Road a strip of ground forming part of Camperdown Park adjoining the said road and in that event such strip of ground shall cease to form part of Camperdown Park.

Power to utilise part of Camperdown Park for road widenings.

61. The Corporation may from time to time cut or fell any timber on Camperdown Estate and may sell utilise or otherwise dispose of any such timber and may make such arrangements in connection therewith as they think fit and the Corporation may afforest any part of Camperdown Estate or replant any area from which the existing timber has been cut or felled.

Power to sell timber on Camperdown Estate.

62.—(1) The Corporation may from time to time and shall be deemed always to have had power to sell feu excamb or lease on such terms as they may determine or may with the consent of the Secretary of State appropriate for any statutory purpose any part of Camperdown Estate other than Camperdown Park Provided that where by virtue of any deed of excambion any land is incorporated in Camperdown Estate the Corporation may exercise with respect to such land all or any of the powers conferred on them by this Part of this Order with respect to Camperdown Estate as if such land had formed part of Camperdown Estate at the commencement of this Order Provided further that the Corporation shall not (unless the Secretary of State

Power to sell &c. parts of Camperdown Estate.



**PART VII**  
 —cont.

otherwise directs) sell feu excamb lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

(2) The proceeds of any such sale and any other receipts of a capital nature arising in connection with Camperdown Estate shall be applied towards capital expenditure in connection with Camperdown Estate including the improvement of Camperdown Estate and until such time as the moneys are so applied shall be separately funded and the income derived from the investments of the fund shall be included in and form part of the ordinary income of Camperdown Estate.

As to  
 expenditure on  
 Camperdown  
 Estate.

63.—(1) The Corporation shall in their published accounts under charities and trust funds keep a separate account and balance sheet in respect of Camperdown Estate so as to show the financial position of Camperdown Estate and shall distinguish capital from revenue and as to revenue shall detail on the one side all income and on the other side all expenditure and in so far as the said expenditure is not met by income from Camperdown Estate the said expenditure may be defrayed out of the burgh fund and shall be deemed to be expenditure payable wholly by occupiers.

(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 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.

PART VIII

MILLS OBSERVATORY

Mills  
 Observatory to  
 continue vested  
 in Corporation.

64. The Mills Observatory as it exists and is vested in the Corporation at the commencement of this Order shall continue to be vested in the Corporation and shall together with the Mills Observatory Trust Fund be held by them in trust to administer the same for the following purposes as directed by the late John Mills in his trust disposition and settlement dated the twenty-ninth April one thousand eight hundred and eighty-one and relative codicils (that is to say):—

(First) To afford to the community an opportunity of observing to an extent not generally within their reach the wonders and beauty of the works of God in creation and to yield them rational and innocent entertainment of the highest kind ;

(Second) To have the Mills Observatory and any other premises connected therewith and the instruments and appliances therein under the charge of a proper keeper by whom they



shall be shown to visitors on payment of a small fee to be fixed by the Corporation and that on such days (excepting Sundays) and at such hours and subject to such further regulations as the Corporation may think proper; and

PART VIII  
—cont.

(Third) To utilise the annual proceeds of the Mills Observatory Trust Fund together with the fees of admission and any casual income from donations or otherwise in defraying the expense of superintendence and of maintaining the premises and instruments in good order and for providing a sinking fund for improving or replacing the same when that shall be considered requisite and purchasing other instruments without encroaching on the Mills Observatory Trust Fund.

65. The Corporation may make rules and regulations for the management and use of the Mills Observatory and the admission of the public thereto and may by such rules or regulations fix fees and charges for admission to the Mills Observatory or to any part thereof.

Power to make rules in respect of Mills Observatory.

66. The Corporation may subject to such terms and conditions as they think fit permit any university or university college or any learned or scientific society to use the Mills Observatory for the purpose of lectures demonstrations or research and may lend any of the instruments or equipment installed in the Mills Observatory to or arrange for the exchange thereof with any such bodies as aforesaid or may sell any of such instruments or equipment provided that the money arising from any such exchange or sale shall be applied for the purposes of the Mills Observatory.

Further powers as to Mills Observatory.

67.—(1) The Corporation shall in their published accounts under charities and trust funds keep a separate account and balance sheet in respect of the Mills Observatory so as to show the financial position of the Mills Observatory and shall distinguish capital from revenue and as to revenue shall detail on the one side all income and on the other side all expenditure and in so far as the said expenditure is not met by income from the Mills Observatory the said expenditure may be defrayed out of the burgh fund and shall be deemed to be expenditure payable wholly by occupiers.

As to expenditure on Mills Observatory.

(2) In the event of the income received by the Corporation from the Mills Observatory exceeding in any year the amount of the expenditure incurred by the Corporation in that year in respect of the Mills Observatory there shall be contributed to the burgh fund in that year in respect of expenditure of the Mills Observatory 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 of the amount 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.

#### PART IX

##### MUNICIPAL BUILDINGS PUBLIC HALLS &C.

68. The lands and buildings known as the city chambers and the offices shops warehouses market and other buildings and conveniences connected therewith and all other lands and buildings

Municipal buildings.



**PART IX**  
 —cont.

belonging to the Corporation at the commencement of this Order and used for the purpose of transacting the business of the Corporation and the business of any other body or court in which the Corporation is authorised or required by any enactment or any statutory order to provide accommodation shall continue vested in the Corporation and the Corporation may maintain alter improve enlarge furnish and equip the same.

Power to let  
 parts of city  
 chambers &c.

69. The Corporation may let or grant the use of such part or parts of the city chambers and the offices shops warehouses market and other buildings and conveniences connected therewith to such persons for such periods and on such terms and conditions as they may think fit.

Public halls.

70.—(1) The hall known as the Caird Hall and other public halls belonging to the Corporation at the commencement of this Order shall continue vested in the Corporation and the Corporation may maintain alter improve enlarge furnish and equip the same for the purposes of public halls and may acquire such additional and other lands and buildings and provide and equip the same for the purposes of public halls as they may from time to time consider necessary and expedient and the Corporation may in connection with such halls provide and maintain offices shops studios and other premises.

(2) The Corporation may use or allow the said Caird Hall and any other public halls belonging to them to be used for any municipal purpose and for concerts or other entertainments or public meetings or for any other purpose which the Corporation may consider proper.

(3) The Corporation may make such charges as they think fit for the use of the said Caird Hall or other public halls or allow the same to be used at any time without charge.

(4) Any expenditure by the Corporation in exercise of the powers conferred on them by this section and any other expenses incurred by the Corporation in respect of the maintenance and use of the Caird Hall over and above the receipts of the Corporation in respect thereof may be defrayed out of the burgh fund and shall be deemed to be expenditure payable wholly by occupiers.

Power to make  
 byelaws for  
 halls.

71. The Corporation may make such byelaws as they may think fit for the proper administration of the various halls vested in or administered by them under the provisions of this Part of this Order and for securing good and orderly conduct therein and they may impose penalties not exceeding forty shillings for any breach of any such byelaws.

**PART X**

**ART GALLERIES MUSEUMS AND LIBRARIES**

Victoria Art  
 Galleries to  
 continue vested  
 in Corporation.

72. The Victoria Art Galleries as existing at the commencement of this Order shall continue 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.



73. 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.

PART X  
—cont.

Victoria Art Galleries to be managed by public libraries committee.

74. 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"):

Powers of public libraries committee with respect to 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 ;
- (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 purpose 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.

75.—(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 con-

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

**PART X**  
*—cont.*

certs 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:

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.

Occasional use of Victoria Art Galleries for municipal purposes.

76. Notwithstanding anything in any Act the public libraries committee may permit the occasional use of the Victoria Art Galleries by the Corporation for municipal or other purposes of the Corporation.

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

77. 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.

Expenditure in respect of Victoria Art Galleries.

78. 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 XI**

**BEACH &C.**

Jurisdiction of Corporation over foreshore and beach.

79. Subject to the provisions of this Order and to any existing rights of property—

(1) The Corporation shall have jurisdiction over the foreshore down to low-water mark and the beach adjoining the same within the city for the purposes following viz. :—

- (a) preventing nuisance;
- (b) regulating the use of the foreshore and beach by pleasure boats or vessels or aircraft let for hire;



(c) regulating the use of the foreshore and beach for riding and driving ;

(d) regulating the hiring of ponies and donkeys for pleasure riding ;

(e) regulating the use of the foreshore and beach for bathing recreation and general purposes ;

(f) providing or granting authority on such terms and conditions as they think fit to any person to provide chairs or seats and making or allowing such person to make reasonable charges for the use of the same ; and

(g) prohibiting the carrying or taking by children of collapsible boats floats or similar contrivances over or across the foreshore or beach unless accompanied by an adult responsible for the safety of the children :

(2) The Corporation shall have power to make byelaws for the said purposes or any of them Provided that such byelaws affecting the area below high-water mark shall not come into operation until the consent of the Minister of Transport thereto has been obtained :

(3) (i) It shall not be lawful on the foreshore or beach except under authority from the Corporation and at such places and on such terms and subject to such conditions as the Corporation may appoint—

(a) to erect or use any booth or stall or stand or any other structure or use any motor-car or any vehicle for the sale of goods wares or merchandise of any kind ; or

(b) to sell any goods or wares or merchandise ; or

(c) to let out the use of any chair or seat ; or

(d) to enclose or fence any part ;

(ii) Any person who contravenes the provisions of this subsection or who fails to comply with any requirement of the Corporation thereunder shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings :

Provided that any person aggrieved by the withholding of the authority of the Corporation or the imposition of any requirement of the Corporation under this subsection may appeal to the sheriff and the sheriff may make such order in the premises as to him shall seem just :

(4) (i) It shall not be lawful except under authority from the Corporation and at such places as the Corporation may appoint to erect or occupy or use any tent shed or other structure upon the foreshore or beach ;

PART XI  
 —cont.

(ii) Any person who contravenes the provisions of this subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

(5) The Corporation may from time to time as they think fit by agreement purchase feu or lease any part of the foreshore or beach within the city or any interest therein:

(6) Nothing in this section shall prejudice affect or interfere with the powers of the trustees of the harbour of Dundee so far as the foreshore and beach is within the limits of the harbour of Dundee:

(7) The provisions of this section shall not apply with respect to any advertisement as defined in the Town and Country Planning (Scotland) Act 1947 and the powers conferred on the Corporation by this section shall not be exercised with respect to any such advertisement.

10 & 11 Geo. 6.  
 c. 53.

Protection  
 of foreshore.

80.—(1) Subject to the provisions of this Order the Corporation shall have power to make byelaws for regulating and where necessary for preserving the amenity of the foreshore prohibiting the removal of sand or other material from the foreshore and to impose a penalty for breach thereof not exceeding the sum of five pounds for each offence Provided that such byelaws affecting the area below high-water mark shall not come into operation until the consent of the Minister of Transport thereto has been obtained.

(2) Nothing in this section shall prejudice affect or interfere with the powers of the trustees of the harbour of Dundee so far as the foreshore is within the limits of the harbour of Dundee.

Power to  
 Corporation to  
 provide bathing  
 machines &c.

81. Subject to any existing rights of property the Corporation may on any part of the foreshore or beach continue construct erect or provide and maintain bathing machines shelters booths stalls stands stances cloak-rooms and other erections and conveniences and provide facilities for the playing of games or for recreation and may demand and recover rents or charges for the use thereof or admission thereto and the Corporation may let any part or parts of the foreshore or beach for any of such purposes at such rent and for such period and upon and subject to such terms and conditions as they may think fit.

Byelaws as to  
 bathing &c.

82. Subject to any existing rights of property the Corporation may make such byelaws as they think fit for the following purposes (that is to say):—

(a) for fixing the stands of bathing machines and shelters on the foreshore or beach and the limits within which persons shall bathe;

(b) for regulating the occupation of such stands of bathing machines and shelters and apportioning the same temporarily among the owners of such machines for the time;



- (c) for preventing any indecent exposure of the persons of the bathers ;
- (d) for regulating the manner in which and the times at which the bathing machines and shelters shall be used and the charges to be made for the same ;
- (e) for ensuring that the bathing machines and shelters shall be kept in a proper state of repair ;
- (f) for regulating the distance at which boats and vessels let for hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within such prescribed limits ;
- (g) for prohibiting limits or restricting the use of pleasure boats or regulating the speed at which or the manner in which they may be driven.

83.—(1) The Corporation may grant to such persons and upon such terms and conditions as they may think fit licences for such pleasure boats and pleasure vessels specified in the licence to be let for hire or to be used for carrying passengers for hire from the fore-shore or any esplanade pier or jetty within the city. Power to license pleasure boats.

(2) Any such licence may be granted for such period not exceeding one year as the Corporation may think fit and may be suspended or revoked by the Corporation whenever they deem such suspension or revocation to be necessary or desirable in the interests of the public. Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

(3) The Corporation may charge for such licences a fee not exceeding the sum of five shillings in respect of each such pleasure boat and pleasure vessel.

(4) A person to whom a licence has been granted in accordance with the provisions of this section shall before permitting any pleasure boat or pleasure vessel specified in such licence to be let for hire or used for carrying passengers for hire paint or cause to be painted in letters and figures not less than one inch in height and three-quarters of an inch in breadth on a conspicuous part of the said boat or vessel his own name and also the number of persons which it is licensed to carry in the form "Licensed to carry            persons" and such person shall not carry or permit to be carried in any pleasure boat or pleasure vessel let for hire or used for carrying passengers for hire a greater number of passengers than is specified in the licence applying to such boat or vessel.

(5) A person to whom a licence has been granted in accordance with the provisions of this section shall not let for hire any pleasure boat or pleasure vessel or carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel otherwise than in accordance with the terms and conditions of the licence applying to such boat or vessel.

(6) A person shall not—

- (a) let for hire any pleasure boat or pleasure vessel not licensed in accordance with the provisions of this section or at any time during the suspension of such licence ; or

PART XI  
 —cont.

(b) carry or permit to be carried passengers for hire in any pleasure boat or vessel not licensed in accordance with the provisions of this section or at any time during the suspension of such licence.

(7) A person to whom a pleasure boat or pleasure vessel licensed in accordance with the provisions of this section has been let for hire shall not carry or permit to be carried a greater number of persons than the number painted on such boat or vessel in accordance with the provisions of subsection (4) of this section.

(8) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(9) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Minister of Transport.

Power to provide boats drags life-buoys &c.

84. The Corporation may provide and maintain boats drags life-buoys and other life-saving appliances and employ such persons as superintendents and servants for that purpose on such terms as the Corporation think fit.

Prohibition of placing boats on streets &c.

85.—(1) It shall not be lawful within the city without the written consent of the Corporation (which may be given subject to such reasonable terms and conditions as the Corporation think fit) to place jack up or lay up any boat upon any street or promenade or sea wall to which the public have access or which is required by law to be left free from obstructions.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Facilities for storage of boats.

86. The Corporation may within the city provide and let land sheds yards and other accommodation and facilities for the storage of boats.

## PART XII

### WEIGHTS AND MEASURES AND SALE OF COAL

Definitions for Part XII of Order.

87. In this Part of this Order unless the subject or context otherwise requires—

“inspector of weights and measures” means an inspector appointed under and by virtue of the Weights and Measures Acts ;

“vehicle” means any carriage cart lorry wagon truck barrow or other means of carrying materials by land in whatever manner the same may be drawn or propelled but does not include a railway truck or wagon ;



“weighing instrument” means and includes scales with the weights belonging thereto scale beams balances spring balances steelyards weighing machines and other instruments for weighing;

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—cont.

“Weights and Measures Acts” means the Weights and Measures Act 1878 and any Act amending or extending the same.

41 & 42 Vict.  
c. 40.

Words and expressions to which by the Weights and Measures Acts meanings are assigned have the same respective meanings.

88.—(1) Notwithstanding anything contained in the Weights and Measures Acts the Corporation shall for the purposes of those Acts be the local authority and the Fourth Schedule to the Weights and Measures Act 1878 in its application to the city shall be read and have effect as if the words “the Corporation” were substituted for the words “the magistrates” in the second column of that schedule and as if the words “city rates” were substituted for the words “the police assessment” in the third column of that schedule and expenditure in reference thereto shall for the purposes of the city Acts be regarded as expenditure payable wholly by occupiers.

Local authority  
and trial of  
offences under  
Weights and  
Measures Acts.

(2) All offences committed within the city under the Weights and Measures Acts may be tried in the police court on a complaint by the burgh prosecutor and the penalties may be recovered and applied in the same way as penalties for offences under this Order.

89.—(1) In this section the expression “personal weighing machine” means any weighing machine which is used or exposed for use in the city for the purpose of ascertaining the weight of a person—

Personal  
weighing  
machines.

(a) for the use of which a charge is made; or

(b) which is kept in any shop or premises or place in the city to which the public have access.

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings in the case of a first offence or in the case of a second or any subsequent offence to a penalty of five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector.

(4) (a) Any person who forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds;

(b) Any person who knowingly exposes for use any personal weighing machine without such mark or with such forged or counterfeit mark thereon shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.



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 —cont.

- (5) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the city and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purpose of such inspection and examination enter any place (whether open or enclosed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine ;
- (b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs or hinders him from acting under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds in the case of a first offence or in the case of a second offence to a penalty of ten pounds.

90. The Corporation may provide and maintain weighing instruments for weighing persons in any premises belonging to them and may charge for the use thereof.

91.—(1) The Corporation may continue provide erect and maintain upon or adjacent to any street or at any other convenient place (not being upon any land or property of the trustees of the harbour of Dundee or of the Scottish Gas Board) fixed weighing instruments and offices in connection therewith for the use of the public and houses for the accommodation of the persons in charge thereof as they think necessary and may also provide furnish and maintain such and so many portable weighing instruments as they think necessary and may appoint persons to keep and attend any such instruments.

(2) The Corporation shall not under the powers of this section (without the consent in writing of the Transport Commission which consent shall not be unreasonably withheld) provide or erect any weighing instrument office or house—

- (a) in or upon any street maintainable by the Transport Commission ; or
- (b) upon any land or property of the Transport Commission ; or
- (c) so as to obstruct the access to or exit from any station or depot of the Transport Commission.

(3) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighing instruments.

(4) The keeper of any such weighing instruments shall during such hours as may be fixed by the Corporation weigh or re-weigh any vehicle or the contents or load of any vehicle presented to him for that purpose capable of being weighed on such weighing instrument and shall enter in a book and also give to the person in charge of the vehicle a ticket or note stating—

- (a) the contents or load of such vehicle ;
- (b) the gross weight of such vehicle ;
- (c) the tare weight of such vehicle if ascertainable ;



- (d) the number of such vehicle if marked thereon ; and  
 (e) the date and time of weighing such vehicle ;

for which ticket or note he may exact from the person in charge of the vehicle such fees as may be fixed by the Corporation under the provisions of this Part of this Order but such fees shall be repaid to the person in charge of the vehicle by the person receiving delivery of the contents of such vehicle.

(5) If the keeper of any such fixed weighing instrument—

- (a) refuses without reasonable excuse to weigh or re-weigh any vehicle or the contents or load of any vehicle ; or  
 (b) wilfully gives a ticket or note specifying untruly or incorrectly any of the particulars hereinbefore in this section mentioned ; or  
 (c) so weighs any vehicle or the contents or load of any vehicle as wilfully to defraud any person ;

he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

92. Any person who in regard to the weighing of any vehicle at any weighing instrument—

- (a) at or before the time of weighing any such vehicle places or knowingly leaves any matter or thing in or about the same other than the proper loading thereof ;  
 (b) alters any ticket denoting the weight of any such vehicle or of the loading of the same ;  
 (c) makes or uses or is privy to the making or using of any false or fraudulent ticket or knowingly tenders a false statement to a weighing-instrument keeper respecting the weight of any such vehicle or the loading thereof ;  
 (d) after the weighing of such vehicle with the loading of the same removes any part of such loading and afterwards disposes or attempts to dispose of the residue of such loading as being the full loading denoted by such ticket ;  
 (e) after the same and the loading thereof have been so weighed substitutes any vehicle with or without the loading thereof or changes the wheels thereof or makes any alteration on or does any other act to such vehicle before such vehicle is brought back to the instrument to be again weighed without the loading thereof or attempts to do any of such things ;  
 (f) is guilty of any other fraud or fraudulent contrivance touching the weight of any such vehicle or of the loading thereof ; or  
 (g) after being requested by any person who keeps or who acts as a keeper of the weighing instrument to give his name and address and the names and addresses of the consignor and consignee of the load refuses to give such names and addresses or wilfully gives an incorrect name or address ;

Penalties for committing frauds in weighing.

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

## PART XII

—cont.

Re-weighing  
may be required.

93.—(1) An inspector of weights and measures or constable or other officer appointed for the purpose by the Corporation who suspects that part of the load of any vehicle has been removed after weighing may require the person in charge of the vehicle to deliver to him the ticket or note of weighing and may cause the said vehicle and its load to be re-weighed at the expense of the Corporation.

(2) Any person in charge of a vehicle who does not deliver such ticket or note or does not allow the vehicle to be re-weighed at the nearest and most convenient weighing instrument maintained by the Corporation shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Articles in bulk  
may be required  
to be weighed.

94.—(1) A person who sells any goods or materials by load and who employs a vehicle to deliver an entire load thereof or any person who receives such load may require that the load be weighed at such one of the weighing instruments maintained by the Corporation as is nearest and most convenient to the person in charge of the vehicle.

(2) If the person in charge of the vehicle does not immediately get the load weighed on the cost of the ticket or note of weighing being tendered to him he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The provisions of this section shall not apply to a vehicle employed in the delivery of any articles by a person whose only interest in such articles is that of a common carrier.

Deficient  
weight or  
measure.

95.—(1) An inspector of weights and measures may—

(a) at all reasonable times enter any building or other place in which any article is sold or is made up or kept or exposed for sale or delivery by weight or measure or in which articles are sold or are set apart or kept or exposed for sale or delivery by number or in which any article is weighed or measured or any articles are numbered with a view to their being bought or sold or delivered and weigh measure or number or require such articles to be weighed measured or numbered in his presence ; or

(b) stop any vehicle or any person carrying or in charge of any basket or other receptacle from which such articles are sold or kept or delivered or exposed for sale or delivery and weigh measure or number or require such articles to be weighed measured or numbered in his presence ;

and if the weight measure or number thereof when so ascertained does not correspond with the weight measure or number thereof which has been represented to such inspector or to the person to whom the articles are sold or are to be sold or delivered or are in the course of delivery such inspector may seize impound and convey such articles to an office provided for the purpose by the Corporation.

(2) The person who has sold or made up or kept or exposed such articles for sale or who has delivered such articles or caused such articles to be delivered or caused such articles to be in the



course of delivery or who has incorrectly weighed measured or numbered such articles with a view to purchase or sale shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence and for any subsequent offence twenty pounds and in every case on conviction the magistrate or other person presiding at the police court may declare such articles in so far as belonging to such person to be forfeited and to be dealt with and disposed of in such manner as he may direct :

Provided that the provisions of subsections (1) and (2) of this section shall not apply to—

- (a) any building or other place in which any article is kept or set apart for delivery by weight measure or number or is weighed measured or numbered with a view to its being delivered ; or
- (b) any vehicle basket or other receptacle from which any article is delivered or exposed for delivery ;

if the building or other place vehicle basket or other receptacle belongs to and is used by or is in charge of a person whose or whose employers' only interest in such article is that of a carrier.

(3) The provisions of this section shall not apply to the sale of bread or of coal coke char or any other fuel of which coal or coke is a constituent.

96.—(1) All coal shall be sold by weight only except where by the written consent of the purchaser it is sold by boat load or by wagons or tubs delivered from the colliery into the works of the purchaser. Coal to be sold by weight.

(2) Any person who sells coal otherwise than is required by the immediately preceding subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds for every such sale.

97.—(1) Where any quantity of coal exceeding two hundred-weight is delivered by means of any vehicle to a purchaser the seller of the coal shall therewith deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before any part of the coal is unloaded a ticket or note in the form contained in the Third Schedule to this Order or as near thereto as circumstances admit. Delivery of coal over two hundredweight.

(2) If there is default in complying with the requirements of the immediately preceding subsection of this section with respect to the delivery or sending of a ticket or note or if the quantity of coal delivered is less than the quantity expressed in the ticket or note the seller of the coal shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART XII  
 —cont.

(3) Any person in charge of any such vehicle who has received any such ticket or note for delivery to the purchaser and refuses or neglects—

(a) to deliver it as required by this section ; or

(b) on being requested so to do to exhibit it to any inspector of weights and measures or any other officer appointed for the purpose by the Corporation ;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Coal sold  
 in bulk.

98.—(1) Where any quantity of coal exceeding two hundred-weight is conveyed for delivery on sale in a vehicle in bulk the seller of the coal shall cause the weight of the vehicle (unless the vehicle is provided by the purchaser) as well as of the coal contained therein to be previously ascertained by a weighing instrument stamped by an inspector of weights and measures and on or near to the place from which the coal is brought.

(2) In any such case the seller of the coal shall insert or cause to be inserted in the ticket or note required by this Part of this Order to be given by him a statement of the correct weight of the vehicle or of the vehicle and of the animal drawing it where both are weighed together with the load as well as of the correct weight of the coal contained in the vehicle.

(3) Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Fraud by  
 drivers of coal  
 vehicles.

99. Any person in charge of any vehicle in which coal is carried who wilfully makes any false statement as to the tare weight of the vehicle or wilfully does any act by which either the seller or the purchaser of the coal is defrauded shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Deficient weight  
 of coal on  
 small sales.

100. Any person who on the sale of coal in any quantity not exceeding two hundredweight fraudulently delivers to the purchaser a less quantity of coal than is agreed to be sold shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Weighing  
 instrument to  
 be kept where  
 coal sold by  
 retail.

101.—(1) Where coal is sold by retail for delivery at the place where it is kept for sale and there is not at or near such place any weighing instrument stamped by an inspector of weights and measures at which the coal can be weighed the seller shall keep at that place a weighing instrument stamped as aforesaid and shall if so required by any purchaser or by an inspector of weights and measures or any other officer appointed for the purpose by the Corporation weigh any coal before the sale or delivery thereof.

(2) Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two pounds in the case of a first offence and in the case of any subsequent offence five pounds.



102.—(1) Any seller or purchaser of coal or person in charge of a vehicle in which coal is carried or inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coal or any vehicle used for the carriage of coal in bulk be weighed or re-weighed by any weighing instrument stamped by an inspector of weights and measures Provided as follows :—

Weighment of  
coal or vehicle.

- (a) a seller of coal or person in charge of a vehicle in which coal is carried shall not be required under this section to carry coal beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation ;
- (b) where any such coal or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coal or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(2) Any person who obstructs any weighing or re-weighing authorised by this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

103.—(1) Any inspector of weights and measures or other officer appointed for the purpose by the Corporation may at all reasonable times—

Weighment of  
coal in shops  
or vehicle.

- (a) enter any building or other place in which coal is sold or kept or exposed for sale ;
- (b) stop any vehicle carrying coal for sale or for delivery to a purchaser ;
- (c) test any weights and weighing instruments found in any such building or place or vehicle ; and
- (d) weigh any load sack or other less quantity of coal found in any such building or place or vehicle or which is in course of delivery to any purchaser.

(2) If it appears to the magistrate that any load sack or less quantity so weighed is of less weight than that represented by the seller the person selling or keeping or exposing the coal for sale or the person in charge of the vehicle as the case may be shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) Any person who obstructs or hinders any inspector or officer acting under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds in the case of a first offence and in the case of any subsequent offence ten pounds.

104.—(1) The Corporation may make byelaws for all or any of the following purposes (that is to say) :—

Byelaws as to  
sale of coal  
and as to  
personal  
weighing  
machines.

- (a) regulating for the purposes of this Part of this Order the sale of coal in quantities not exceeding two hundredweight ;

**PART XII**  
 —cont.

- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which coal is carried for sale or delivery to a purchaser ;
- (c) prescribing the distance beyond which coal is not to be required to be carried for the purpose of being weighed or re-weighed in pursuance of this Part of this Order ;
- (d) fixing the fees to be paid for the use of any weighing instrument maintained by the Corporation ;
- (e) regulating the charges to be made for the cartage and delivery of coal ;
- (f) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed on personal weighing machines under this Part of this Order and the circumstances and conditions under which such marks may be affixed or cancelled ;
- (g) with respect to the tests to be applied for the purpose of ascertaining the accuracy and the efficiency of personal weighing machines ;
- (h) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this Part of this Order or for the examination of such personal weighing machines as are found to be incorrect ;
- (i) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this Part of this Order.

(2) The Corporation by any such byelaws may provide for the imposition of penalties not exceeding five pounds for each offence committed against any of such byelaws.

Prohibition of fraud in connection with sale of fuel.

105.—(1) Any seller of fuel to which this section applies or any person in charge of any vehicle from which such fuel is being sold or offered or exposed for sale who—

- (a) wilfully makes any false statement as to the weight of such fuel ;
- (b) wilfully increases such weight by damping such fuel ; or
- (c) wilfully does any other act by which the purchaser of such fuel shall be defrauded ;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

(2) This section shall apply with respect to coke char and any other fuel of which coal or coke is a constituent and to wood fuel.

As to sale of coke char &c.

106.—(1) The provisions of this Part of this Order relating to coal and of any byelaws made thereunder shall apply to coke char and any other fuel of which coal or coke is a constituent as if it were



coal and any byelaws in force at the commencement of this Order and continued in force in pursuance of the section of this Order of which the marginal note is "General saving from effect of repeal" shall continue to apply to coke char and any other fuel of which coal or coke is a constituent as if it were coal until such byelaws are rescinded or revoked.

PART XII  
—cont.

(2) The provisions of this Part of this Order so far as relating to coal and of any byelaws made thereunder shall also apply to the sale of wood fuel within the city.

### PART XIII

#### STREET TRAFFIC &C.

107.—(1) For the purposes of section 46 (Power to restrict use of vehicles on specified roads) of the Road Traffic Act 1930 as amended by section 29 (Power to prohibit or restrict use of vehicles on certain roads) of the Road and Rail Traffic Act 1933 the Corporation shall be deemed to be a county council within the meaning of paragraph (b) of section 60 (Application to Scotland) of the said Act of 1930.

Application of section 46 of Road Traffic Act 1930 to Corporation.  
20 & 21 Geo. 5. c. 43.  
23 & 24 Geo. 5. c. 53.

(2) An order made under this section shall not apply to any quay wharf or similar work belonging to the trustees of the harbour of Dundee and used by them for the purposes of their undertaking except with the consent of the said trustees.

108.—(1) The magistrates may from time to time make regulations or orders—

Regulations as to traffic on special occasions.

(a) diverting temporarily out of any street traffic of every kind or traffic of any particular kind and prescribing the route to be observed by all vehicles or vehicles of different classes on occasions of ceremonies processions rejoicings shows exhibitions entertainments sports races or on any occasions when the streets are liable to be thronged or the traffic likely to be abnormal and for keeping order and preventing obstruction on such occasions ;

(b) for keeping order and preventing the obstruction of streets in the neighbourhood of theatres and other places of public resort.

(2) Any person who contravenes any regulation or order of the magistrates under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in such manner as unreasonably to obstruct or interfere with the access to or exit from any railway station or depot belonging to the Transport Commission.

109.—(1) (a) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be

As to barriers in streets.

PART XIII  
—cont.

erected across any of the streets of the city and to retain the same for such time as may be deemed reasonably necessary.

(b) Any person who wilfully removes or damages or interferes with any such barricade or any part thereof shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(2) For the purposes of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the city such sockets or slots as may in their opinion be necessary or convenient.

(3) The Corporation shall not exercise the powers of this section in such manner as to cause obstruction to the access to or egress from any station or depot of the Transport Commission or any quay wharf or similar work belonging to the trustees of the harbour of Dundee except with the consent of the Transport Commission or the said trustees as the case may be.

PART XIV

MISCELLANEOUS AND GENERAL

City war memorial to vest in Corporation.

110. The city war memorial situated on the Law shall vest in the Corporation and the Corporation shall maintain and manage the said war memorial for the purpose for which it was erected and may do all such things as may be necessary or requisite in connection therewith.

Power to Corporation to provide public clocks.

111.—(1) The Corporation may from time to time provide such clocks as they consider necessary and cause the same to be fixed in upon or against any public building or with the consent of the owner and occupier in upon or against any private building the situation of which may be convenient for that purpose and may cause the dials thereof to be lighted at night and may from time to time maintain regulate repair renew or alter or may remove any such clocks.

(2) The Corporation may from time to time arrange with the owners of clocks to maintain and light any clocks which in their opinion are convenient for the use of the public.

Dwelling-houses for persons in Corporation's employment.

112. 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.

Derelict petrol tanks.

113.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such vessels.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of any premises on which is situated



any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

PART XIV  
—cont.

(3) Any person failing to comply after due warning with the provisions of subsection (1) of this section and any person who obstructs any such officer as aforesaid in carrying out his duty under subsection (2) thereof shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

18 & 19 Geo. 5.  
c. 32.

114. Section 31 (Period for compulsory purchase of lands) of the Dundee Corporation Order 1946 shall be read and have effect as if for the reference therein to the thirty-first day of December one thousand nine hundred and forty-nine there were substituted a reference to the thirty-first day of December one thousand nine hundred and fifty-two.

Extending  
period for  
compulsory  
purchase of  
lands.

115.—(1) The Second Schedule to the Dundee Corporation Order 1934 shall be read and have effect as if—

Amendment of  
Order of 1934  
as to certain  
deductions from  
city rates.

(a) the fourth entry under Head I thereof (relating to the Dundee Training College and relative subjects) and relative percentage deductions from owners' and occupiers' proportions of the city rates set out in the second and third columns of the said schedule opposite such entry were omitted therefrom and as if there were inserted in the said schedule under Head I thereof a reference to the following subjects together with a reference in the second and third columns of the said schedule to the following relative percentage deductions (namely):—

Lands and heritages entitled to deduction from city rates  1.	Percentages where deduction is in respect of owners' proportion of city rates 2.	Percentages where deduction is in respect of occupiers' proportion of city rates 3.
Dundee Training College demonstration school and playing fields (excluding all lodges occupied by caretakers gardeners etc.).	48½	71
Residential hostel for students known as Mayfield Hostel or any other hostel used for similar purposes under the control or management of the Dundee Training College.	48½	—

PART XIV  
 —cont.

(b) the entries under Head II thereof (relating to lands and heritages belonging to University College Dundee and to the University Court of the University of St. Andrews at Dundee) and relative percentage deductions from owners' and occupiers' proportions of the city rates set out in the second and third columns of the said schedule opposite such entries were omitted therefrom and as if there were inserted in the said schedule under Head II thereof a reference to the following subjects together with a reference in the second and third columns of the said schedule to the following relative percentage deductions set out opposite such subjects respectively (namely):—

Lands and heritages entitled to deduction from city rates 1.	Percentages where deduction is in respect of owners' proportion of city rates 2.	Percentages where deduction is in respect of occupiers' proportion of city rates 3.
Lands and heritages owned by the University College Dundee and occupied and used for educational purposes (excluding the lands and heritages used for or in connection with the Students' Union and residential hostels after-mentioned).	48½	71
Residential hostels for students owned and under the control and management of the University College prior to the commencement of this Order.	48½	—
Lands and heritages owned by the University Court of the University of St. Andrews at Dundee and occupied and used for educational purposes (excluding the lands and heritages used for or in connection with the Students' Union and residential hostels after-mentioned).	48½	71
Residential hostels for students owned and under the control and management of the University Court of the University of St. Andrews before the commencement of this Order.	48½	—

and the Dundee Corporation Order 1934 shall be read and construed accordingly.



(2) This section shall be deemed to have come into operation as on and from the sixteenth day of May one thousand nine hundred and forty-nine.

PART XIV  
—cont.

116. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow or raise— Power to borrow money.

(a) for the several purposes of this Order ; and

(b) for paying the costs charges and expenses of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto ;

such money as may be necessary for those purposes respectively in the same way and manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947 and the provisions of Part XII (Borrowing by local authorities) of the Act of 1947 shall extend and apply with respect to the borrowing of money under this section Provided that notwithstanding anything contained in section 262 of the Act of 1947 any money borrowed for the purposes (a) above mentioned shall be repaid within forty years from the date or dates of borrowing the same and any money borrowed for the purpose (b) above mentioned shall be repaid within five years from the date of the passing of the Act confirming this Order.

117. 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 for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946. Saving for emergency restriction on borrowing.  
8 & 9 Geo. 6. c. 18.  
9 Geo. 6. c. 10.  
9 & 10 Geo. 6. c. 58.

118. All expenditure incurred by the Corporation in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder and not otherwise recovered as provided in this Order shall be paid out of the burgh fund and shall be deemed to be expenditure payable out of the city rates under the appropriate head. As to expenditure for purposes of Order.

119. As respects byelaws made under the powers of the sections of this Order of which the marginal notes are respectively set out in the first column of the Fourth Schedule to this Order the confirming authority for the purposes of section 301 (Procedure &c. for making byelaws) of the Act of 1947 shall be the authority designated in the second column of the said schedule opposite such sections respectively. Confirming authority for byelaws.

120. Except where otherwise provided byelaws made or to be made by the Corporation under the city Acts shall be deemed to provide for penalties on offenders against such byelaws not exceeding forty shillings for each offence and in cases where the offence continues a daily penalty not exceeding ten shillings. Penalties for breach of byelaws.



## PART XIV

—cont:

As to penalties  
and recovery  
thereof.

121. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order or any byelaws made under this Order shall be proceeded with and be conducted under and in conformity with the Summary Jurisdiction (Scotland) Acts.

Recovery of  
damages under  
city Acts.

122. All damages debts forfeitures and expenses directed to be paid or imposed by the provisions of the city Acts for the recovery of which special provision is not made therein may be sued for and recovered along with the expenses of the action in the same manner as any debt may be sued for and recovered by the law and practice of Scotland.

Punishment  
of abettors.

123. Where the doing of any act or thing is made punishable by the city Acts or by any byelaw thereunder the causing procuring aiding abetting or wilfully permitting or suffering such act or thing to be done shall be punishable in like manner if the nature of the case permits and if an intention to the contrary does not appear in the city Acts.

Repeal of Acts.

124. Subject to the provisions of this Order the Acts and Orders specified in the Fifth Schedule to this Order are (so far as not already repealed) hereby repealed to the extent mentioned in the third column of that schedule and on and after the commencement of this Order all references to the repealed Acts or any of them in the city Acts and in any other Acts and Orders shall be read and have effect as if this Order or any Act or Order amending the same were mentioned therein instead of the repealed Acts or any of them.

Rescission of  
adoption of  
Burgh Police  
(Scotland)  
Acts.

125. The adoption by the Corporation before the date of the passing of the Act confirming this Order of any of the provisions of the Burgh Police (Scotland) Acts 1892 to 1911 in respect of which there are corresponding provisions in this Order shall from the commencement of this Order be deemed to be rescinded and such provisions shall not in virtue of such adoption apply to the city.

Penalty where  
no penalty is  
otherwise  
stated.

126. Every provision of this Order to the contravention of which a penalty is not attached shall be read and construed as if it were thereby provided that any person contravening the same shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Entry on  
premises for  
purposes  
of Order.

127.—(1) Any officer appointed by the Corporation and exhibiting his authority if required may at all reasonable hours in the daytime enter into and upon any lands as well for the purpose of inspection as for the purpose of executing any work authorised to be executed by them under the provisions of this Order without being liable to any legal proceedings on account thereof Provided that except in case of emergency or where otherwise provided in this Order such officer shall not make any such entry unless with the consent of the occupier of such lands until after the expiration of twenty-four hours' notice of that purpose given to such occupier.

(2) In the exercise of the powers conferred upon them by this section in relation to any land belonging to the Transport Commission



and used by them for the purposes of their railway the Corporation and such officer shall comply with any reasonable requirements of the Transport Commission for preventing interference with railway traffic.

PART XIV  
—cont.

128. 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 Dundee Police and Improvement Consolidation Act 1882 but such saving provisions shall apply to this Order and for the purposes thereof.

Saving saving provisions in Act of 1882.

34 & 35 Vict.  
c. clxxxv.

129. Nothing in this Order shall affect the powers of the hydro-electric board to supply electricity and to provide lamps lamp brackets cables wires and other apparatus within the city.

For protection of hydro-electric board.

130. For the protection of the hydro-electric board the following provisions shall unless otherwise agreed in writing between the Corporation and the hydro-electric board apply and have effect:—

For further protection of hydro-electric board.

(1) In this section “apparatus” means the electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the hydro-electric board:

45 & 46 Vict.  
c. 56.

(2) If any police telephone call box or shelter erected by the Corporation under the powers of the section of this Order of which the marginal note is “Power to erect police call boxes and shelters” is situated over any apparatus laid or placed before the erection of the box or shelter and the hydro-electric board at any time after such erection give to the Corporation notice of their desire to obtain access to any such apparatus the Corporation shall either remove temporarily the box or shelter or so much thereof as shall require to be removed in order to afford such access or (if the Corporation determine not to remove the box or shelter or part thereof) bear any additional expense due to the existence of the box or shelter which may reasonably be incurred by the hydro-electric board in obtaining such access:

(3) The Corporation shall not exercise any of the powers of the section of this Order of which the marginal note is “As to barriers in streets” so as to cause damage to or unreasonably obstruct the access to any apparatus of the hydro-electric board:

(4) Any dispute which may arise between the Corporation and the hydro-electric board under this section shall be determined by an arbiter to be appointed failing agreement by the sheriff and the decision of such arbiter shall be final.

131. The following provisions for the protection of the Scottish Gas Board (in this section referred to as “the board”) shall notwithstanding the provisions of this Order and unless otherwise agreed between the board and the Corporation apply and have effect:—

For protection of Scottish Gas Board.

(1) If any police telephone call box or shelter erected by the Corporation under the powers of the section of this Order of

PART XIV  
 —cont.

which the marginal note is "Power to erect police call boxes and shelters" is situated over any gas main pipes belonging to the board laid or placed before the erection of the box or shelter and the board at any time after such erection give to the Corporation notice of their desire to obtain access to any such gas main pipe the Corporation shall either remove temporarily the box or shelter or so much thereof as shall require to be removed in order to afford such access or (if the Corporation determine not to remove the box or shelter or part thereof) bear any additional expense due to the existence of the box or shelter which may reasonably be incurred by the board in obtaining such access:

- (2) Any dispute which may arise between the Corporation and the board under this section shall be determined by an arbiter to be appointed failing agreement by the sheriff and the decision of such arbiter shall be final.

Saving for  
 Dundee  
 Harbour.

132. Subject to the provisions of this Order nothing contained in 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 the city Acts.

Crown rights.

133. 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.

Works below  
 high-water  
 mark.

134. Nothing in this Order shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Minister of Transport.

General  
 saving  
 from effect  
 of repeal.

135. Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts or anything contained in the sections of this Order of which the marginal notes are "Saving for Dundee Harbour" and "Crown rights"—

- (a) all existing agreements made by the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed ;



- (b) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if the Act confirming this Order had not been passed ;
- (c) all actions arbitrations submissions prosecutions and proceedings by with or against the Corporation by reason of any matters or things done before the commencement of this Order in execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by with or against the Corporation as if the Act confirming this Order had not been passed ;
- (d) all existing byelaws rules regulations orders licences registrations consent sanctions and approvals and things done in execution of or in relation to or granted in pursuance of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order ;
- (e) all assessments rates rents tolls charges and other sums at the date of the passing of the Act confirming this Order due to the Corporation under or in respect of any of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed ;
- (f) All books registers deeds plans documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed.

136. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act. Saving for town and country planning.

137. 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 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.

## SCHEDULES

### THE FIRST SCHEDULE

(Referred to in the section of this Order of which the marginal note is  
"Boundaries of the city.")

#### DESCRIPTION OF THE BOUNDARIES OF THE CITY

Commencing at a point at low-water mark on the shore of the Firth of Tay due south of the intersection of the centre line of Kingsway West and the prolongation of the line of the west side of the road leading from Kingsway West to Liff Road thence northward in a straight line to the said point in the centre of Kingsway West thence to and along the west side of the said road leading from Kingsway West to Liff Road and in continuation to the north side of Liff Road thence westward along the north side of Liff Road to the south-west corner of the demesne of Camperdown Estate thence northward along the west boundary of the demesne of Camperdown Estate to its north-west corner at the junction of Gourdie Brae with the Coupar Angus Road thence south-eastward along the south side of Coupar Angus Road to a point therein opposite the east side of the road known as Templeton Road thence northward across the Coupar Angus Road to the east side of the said road known as Templeton Road thence northward along the east side of the last-mentioned road to the south side of the service road leading to South Auchray Farm thence eastward passing out of the parish of Liff and Benvie and into the parish of Mains and Strathmartine along the south side of the said service road and in continuation eastward to the north-west corner of the enclosure of Clatto reservoir thence northward in continuation of the west boundary of the enclosure of Clatto reservoir to the north boundary of Baldragon Wood thence eastward along the north boundary of Baldragon Wood and in continuation eastward along the north side of the service road to Baldragon Farm and in continuation eastward to the west side of the Dundee and Newtyle branch of the Transport Commission's railway thence south-eastward along the said west side of the said railway to the point therein sixty feet south-east from the point in the said west side of the said railway where a prolongation in a straight line eastward of the line of the south side of Bracken Road would intersect the said west side of the said railway thence proceeding in a straight line in an easterly direction to a point in the centre of the Dighty Water on the west side of the bridge carrying the Baldovan Road over the said Dighty Water thence in an easterly north-easterly and south-easterly direction following the course and along the centre of the said Dighty Water to a point in the said centre of the Dighty Water 45 yards or thereby north-east of the east side of the bridge carrying the Old Glamis Road over the Dighty Water thence proceeding in a straight line across the parish of Mains and Strathmartine in an easterly direction to a point on the boundary between the parish of Mains and Strathmartine and the parish of Murroes and situated on the fence between the enclosures No. 610 and No. 701 as shown on the Ordnance survey



sheet (1/2500 scale) of Forfarshire sheet L.14 (edition of 1922) at a distance of 190 yards or thereby east of the centre line of the public road leading from Dundee to Forfar thence in an easterly direction along the said parish boundary for a distance of 190 yards or thereby to a point on the last-mentioned fence at the north-east corner of enclosure No. 701 as shown on the said Ordnance survey sheet thence in a straight line in an easterly direction passing out of the parish of Mains and Strathmartine into the parish of Murroes and then out of the parish of Murroes into the parish of Dundee Combination and then out of the parish of Dundee Combination into the parish of Monifieth to a point on the south side of the public road leading from Bal-dovie cross-roads to Kingennie railway station at the north-west corner of enclosure No. 368 as shown on the Ordnance survey sheet (1/2500 scale) of Forfarshire sheet L.16 (edition of 1922) thence in a straight line in an easterly direction across the parish of Monifieth to a point on the south side of the public road leading from Dundee to Arbroath 13 yards or thereby east of the centre line of the Dundee/Forfar branch of the Transport Commission's railway thence along the boundary fence on the east side of the said railway to a point on the west side of North Balmossie Street thence proceeding in a south-easterly direction along the west side of the said North Balmossie Street to Dalhousie Road thence eastward across the width of the said North Balmossie Street to a point in the north side of the said Dalhousie Road thence across the said Dalhousie Road and along the east side of South Balmossie Street and continuing southwards in a prolongation in a straight line southwards to low-water mark on the shore of the Firth of Tay thence in a westerly direction along the line of low-water mark on the said shore passing out of the parish of Monifieth and into the parish of Dundee Combination and then out of the parish of Dundee Combination into the parish of Liff and Benvie to the point first described.

1st Sch.  
—cont.

## THE SECOND SCHEDULE

(Referred to in the section of this Order of which the marginal note is  
 "Division into wards.")

### DESCRIPTION OF THE BOUNDARIES OF THE WARDS OF THE CITY

#### WARD FIRST

Commencing at a point in the foreshore of the river Tay opposite the continuation southward of the east side of Margaret Crescent thence northward to and along the east boundary of Craigie estate thence northward along the said boundary to Arbroath Road thence westward along the centre line of Arbroath Road thence south-westerly and westerly along the centre line of Princes Street King Street Cowgate Murraygate to High Street thence southward along the centre line of Castle Street to Dock Street thence southward to the Royal Arch at the Harbour of Dundee thence through the centre of the said Arch in a straight line to the Firth of Tay thence along the southern boundary of the city to the point first described.

2ND SCH.  
—cont.

## WARD SECOND

Commencing at a point at the top of Castle Street and proceeding thence southward along Castle Street to Dock Street thence southward to the Royal Arch at the harbour of Dundee and thence through the centre of the said arch in a straight line to the Firth of Tay thence along the southern boundary of the city to the western boundary of the city thence northward along the said boundary to the centre line of Perth Road thence eastward along the centre line of Perth Road to the centre line of Small's Wynd thence northward along the centre line of Small's Wynd and Hunter Street to the centre line of Brook Street thence eastward along the centre line of Brook Street West Port Overgate and High Street to the point of commencement.

## WARD THIRD

Commencing at a point in Lawside Road at its junction with Law Steps and proceeding westward along Law Steps to Lochee Road thence southward along the centre line of Lochee Road to Tullideph Road thence westward along the centre line of Tullideph Road to City Road thence northward along the centre line of City Road and Logie Street to Ancrum Road thence westward along the centre line of Ancrum Road to Backhill Road thence westward along Backhill Road and the footpath in continuation thereof to the footpath leading from Invergowrie House to Dundee linoleum works thence along the said footpath in a northerly direction to South Road thence westward along the centre line of South Road to the western boundary of the city thence northward and eastward following the city boundary to the point where it crosses Strathmartine Road thence southward along the centre line of Strathmartine Road to the western boundary of the property known as Bracken Bruach thence southward along the said boundary to the south-west corner thereof thence southward in a straight line to the north-east corner of Downfield Golf Course thence southward along the eastern boundary of Downfield Golf Course to Macalpine Road thence along the west side of Macalpine Road to Kingsway West and crossing Kingsway West thence along the centre line of Clepington Road to Johnston Avenue thence along the centre line of Johnston Avenue to the centre line of Strathmore Avenue thence westward along the centre line of Strathmore Avenue to Alpin Road thence along the centre line of Alpin Road to Loons Road thence westward along Loons Road to Lawside Road thence southward along Lawside Road to the point of commencement.

## WARD FOURTH

Commencing at the junction of the centre lines of Dens Road and Dura Street thence along the centre line of Dura Street and Pitkerro Road to Longhaugh Road thence in a northerly direction along the centre line of Longhaugh Road to the city boundary thence in an easterly direction along the said boundary to a point therein in a line with the prolongation northward of the boundary between the parish of Mains and Strathmartine and the parish of Dundee Combination thence southward along the said prolongation and along



the said parish boundary to the centre line of Drumgeith Road thence westward along the centre line of Drumgeith Road to a point opposite the west side of the road leading past Greenfield House thence in a southerly direction along the west side of the said road to the boundary between the parishes of Mains and Strathmartine and Dundee Combination thence following the said parish boundary in an easterly direction to a point on the said boundary opposite the prolongation northward of the footpath which leads in a southerly direction to Milton of Craigie Farm cottar houses thence along the said footpath to its junction with Milton of Craigie Farm Road which runs eastward and westward thence in a southerly direction in a straight line to a point on the centre line of Arbroath Road in line with the east boundary to the estate of Craigie thence westward along the centre line of Arbroath Road thence south-westerly and westerly along the centre line of Princes Street and King Street to King's Road thence northward along the centre line of King's Road to Victoria Road thence westward along Victoria Road to Forebank Road thence northward along Forebank Road to Ann Street thence eastward along the centre line of Ann Street to Cotton Road thence southward along Cotton Road to Laing Street thence eastward along the centre line of Laing Street to the point of commencement.

2ND SCH.  
 —cont.

#### WARD FIFTH

Commencing at the junction of the centre line of Dens Road and Dura Street thence along the centre line of Dura Street and Pitkerro Road to Longhaugh Road thence in a northerly direction along Longhaugh Road to the city boundary thence in a westerly direction along the city boundary to its junction with Old Glamis Road thence in a generally southerly direction along the centre line of Old Glamis Road Provost Road and Dens Road to the point of commencement.

#### WARD SIXTH

Commencing at the western termination of the Overgate at its junction with North Tay Street and South Tay Street and thence along North Tay Street and Lochee Road to the point where Gardner's Lane leads off the said Lochee Road thence northward along the western boundary of Dudhope Park and eastward along the northern boundary of the said Dudhope Park to the point where Inverlaw Place leads off Dudhope Terrace thence along Dudhope Terrace and Somerville Place and Constitution Street to its junction with Hilltown and from thence southward along Hilltown to its junction with Ann Street and from thence along Ann Street to the point where Forebank Road joins the said Ann Street and thence southward along Forebank Road and King's Road to King Street and from thence westward along King Street and Cowgate and south-westward along Murraygate High Street and Overgate to the point of commencement.

#### WARD SEVENTH

Commencing at the junction of the centre line of Dudhope Terrace and Inverlaw Place thence proceeding eastward along the centre line

2ND SCH.  
 —cont.

of Dudhope Terrace Somerville Place and Constitution Street to a point 110 yards or thereby east of the centre line of Upper Constitution Street thence northward in a straight line to the junction of the east side of Carmichael Street and the south side of McKinnon Street thence to the junction of the centre lines of Carmichael Street and McKinnon Street thence northward along the centre line of Carmichael Street and Bruce Street to Byron Street thence westward along the centre line of Byron Street to Milton Street thence northward along the centre line of Milton Street to Strathmore Avenue thence eastward along the centre line of Strathmore Avenue thence eastward along the centre line of Moncur Crescent to Provost Road thence northward along the centre line of Provost Road to Clepington Road thence northward along the centre line of Old Glamis Road to the city boundary thence westward and northward along the city boundary to the point where it crosses Strathmartine Road thence southward along the centre line of Strathmartine Road to the western boundary of the property known as Bracken Bruach thence southward along that said boundary to the south-west corner thereof thence in a straight line to the north-east corner of Downfield Golf Course thence along the eastern boundary of Downfield Golf Course to Macalpine Road thence along the west side of Macalpine Road to Kingsway West and crossing Kingsway West thence along the centre line of Clepington Road to Johnston Avenue thence along the centre line of Johnston Avenue to the centre line of Strathmore Avenue thence westward along the centre line of Strathmore Avenue to Alpin Road thence along the centre line of Alpin Road to Loons Road thence westward along the centre line of Loons Road to Lawside Road thence southward along the centre line of Lawside Road to Albany Terrace thence eastward along the centre line of Albany Terrace to Inverlaw Place thence southward along the centre line of Inverlaw Place to the point of commencement.

#### WARD EIGHTH

Commencing at a point in the common junction of North Tay Street and Overgate and proceeding thence in a northerly direction along the centre line of North Tay Street and Lochee Road to the western boundary of Dudhope Park thence in a northerly direction along that boundary to Dudhope Terrace thence eastward along the south side of Dudhope Terrace to Inverlaw Place thence northward along the centre line of Inverlaw Place to Albany Terrace thence westward along the centre line of Albany Terrace to Lawside Road thence northward along the centre line of Lawside Road to Law Steps thence westward along the centre line of Law Steps to Lochee Road thence southward along the centre line of Lochee Road to the junction of Lochee Road and Tullideph Road thence westward along the centre line of Tullideph Road to City Road thence northward along the centre line of City Road and Logie Street to Ancrum Road thence westward along the centre line of Ancrum Road to Backhill Road thence westward along Backhill Road and the footpath in continuation thereof to the footpath leading from Invergowrie House to Dundee linoleum works thence northward along the said footpath to South Road thence along the centre line of South Road to



the city boundary thence southward along the city boundary to the eastern side of the Dundee and Newtyle branch of the Transport Commission's railway thence southward along the eastern boundary of the said railway to the farm road leading to Invergowrie House thence eastward along the said farm road to Menzieshill farm road thence southward along the said farm road to Glamis Drive thence eastward along the centre line of Glamis Drive Blackness Road Brook Street and West Port to the point of commencement.

2ND SCH.  
—cont.

#### WARD NINTH

Commencing at a point in the centre line of Perth Road opposite Small's Wynd and proceeding thence in a westerly direction along the centre line of Perth Road to the western boundary of the city thence following the western boundary of the city to a point therein at the eastern side of the Dundee and Newtyle branch of the Transport Commission's railway thence along the eastern boundary of the said railway in a southerly direction to the farm road leading to Invergowrie House thence eastward along the said farm road to Menzieshill farm road thence southward along the said farm road to Glamis Drive thence eastward along the centre line of Glamis Drive Blackness Road and Brook Street to its junction with Hunter Street thence southward along the centre line of Hunter Street and Small's Wynd to the point of commencement.

#### WARD TENTH

Commencing at a point in the foreshore of the river Tay opposite the continuation southward of the east side of Margaret Crescent thence northward to and along the east boundary of Craigie estate thence northward along the said boundary to Arbroath Road thence northward in a straight line to the junction of Milton of Craigie Farm Road which runs eastward and westward with the footpath immediately to the east of the Milton of Craigie Farm cottar houses thence northward along the said footpath and in continuation thereof to a point on the boundary between the parishes of Mains and Strathmartine and Dundee Combination thence in a westerly direction along the said boundary to a point in the west side of the road leading past Greenfield House to the centre line of Drumgeith Road thence eastward along the centre line of Drumgeith Road to the boundary between the parishes of Mains and Strathmartine and Dundee Combination thence northward along that boundary and the prolongation thereof northward in a straight line to a point on the city boundary thence eastward along the city boundary to the boundary between the parish of Dundee Combination and the parish of Monifieth at the Murroes Burn thence southward along the said parish boundary (following the line of the Murroes Burn to its junction with the Dighty Water) thence westward along the Dighty Water to the west boundary of Linlathen Estate thence southward along the said west boundary to Arbroath Road thence eastward along Arbroath Road to the footpath leading to Forthill Road thence southward along the said footpath the centre line of

2ND SCH.  
—cont.

Forthill Road and Fort Street to the foreshore of the river Tay thence in a westerly direction along the city boundary to the point of commencement.

#### WARD ELEVENTH

Commencing at a point in the foreshore of the river Tay opposite the continuation southward of the centre line of Fort Street thence northward to and along the centre line of Fort Street Forthill Road and footpath to the centre line of Arbroath Road thence westward along the centre line of Arbroath Road to a point opposite the west boundary of Linlathen Estate thence northward along the said boundary to the Dighty Water thence eastward along the Dighty Water to its junction with Murroes Burn thence in a northerly direction along the Murroes Burn to the city boundary thence in a south-easterly and south-westerly and southerly direction along the city boundary to the foreshore of the river Tay thence in a westerly direction along the city boundary to the point of commencement.

#### WARD TWELFTH

Commencing at a point in the centre line of Constitution Street 110 yards or thereby east of the centre line of Upper Constitution Street thence eastwards along the centre line of Constitution Street to its junction with the centre line of Hilltown thence southwards along the centre line of Hilltown to its junction with the centre line of Ann Street thence eastwards along the centre line of Ann Street to its junction with the centre line of Hillbank Road and Cotton Road thence southwards along the centre line of Cotton Road to its junction with the centre line of Laing Street thence along the centre line of Laing Street to its junction with the centre line of Dens Road thence north-westwards along the centre line of Dens Road and Moncur Crescent thence westwards along the centre line of Strathmore Avenue to its junction with the centre line of Milton Street thence southwards along the centre line of Milton Street to its junction with the centre line of Byron Street thence eastwards along the centre line of Byron Street to its junction with the centre line of Bruce Street thence southwards along the centre line of Bruce Street and Carmichael Street to its junction with the centre line of McKinnon Street thence in a straight line to the junction of the east side of Carmichael Street and the south side of McKinnon Street and thence in a straight line to the point of commencement.



THE THIRD SCHEDULE

(Referred to in the section of this Order of which the marginal note is  
"Delivery of coal over two hundredweight.")

WEIGHT TICKET OR NOTE ON DELIVERY OF COAL OVER TWO  
HUNDREDWEIGHT

.....(here insert the name of the buyer).

Take notice that you are to receive herewith.....tons

.....cwts.....lbs of coal.

(When sold in sack add)

in.....sacks each containing.....cwt.

(When sold in bulk add)

	tons	cwts.	lbs.
Weight of coal and vehicle ... ..			
Tare weight of vehicle ... ..			
Net weight of coal herewith delivered to purchaser ... ..			

.....(here insert the name of the seller).

.....(here insert the name of the person  
in charge of the vehicle).

Where coal is delivered by means of a vehicle the seller must deliver  
or send by post or otherwise to the purchaser or his servant before  
any part of the coal is unloaded a ticket or note in this form.

Any seller of coal who delivers a less quantity than is stated in  
this ticket or note is liable to a fine.

Any person in charge of a vehicle used for the delivery of coal  
who having received a ticket or note for delivery to the purchaser  
refuses or neglects to deliver it to the purchaser or his servant is  
liable to a fine.

THE FOURTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is  
"Confirming authority for byelaws.")

CONFIRMING AUTHORITY FOR BYELAWS

1.	2.
Number and marginal note of section	Confirming authority
48. Byelaws as to parks ... ..	The Secretary of State.
50. As to parks outside city ... ..	The Secretary of State.
71. Power to make byelaws for halls ... ..	The sheriff.
79. Jurisdiction of Corporation over foreshore and beach.	The Secretary of State.
80. Protection of foreshore ... ..	The Secretary of State.
82. Byelaws as to bathing &c. ... ..	The sheriff.
104. Byelaws as to sale of coal and as to personal weighing machines.	The Board of Trade.

THE FIFTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is  
"Repeal of Acts.")

ACTS AND ORDERS REPEALED

Session and chapter	Title of Act or Order	Extent of repeal
45 & 46 Vict. c. clxxxv.	Dundee Police and Improvement Con- solidation Act 1882.	Sections 26 and 29 section 30 so far as it incorporates sections 66 69 70 71 and 73 of the Police and Improvement (Scotland) Act 1862 section 46 so far as it incorporates sections 109 110 112 and 113 of the said Act of 1862 sections 47 48 and 49 sections 52 to 55 inclusive section 56 so far as it incorporates sections 127 and 128 of the said Act of 1862 section 57 section 172 so far as it incorporates section 268 of the said Act of 1862 section 173 section 192 so far as it incorporates section 335 of the said Act of 1862 sections 194 198 200 to 202 in- clusive section 233 so far as it incorporates section 343 of the said Act of 1862 section 234 section 268 so far as it incorporates section 374 of the said Act of 1862 section 273 so far as it incorporates sections 409 410 and 436 of the said Act of 1862 and sections 283 and 284.



*Dundee Corporation*  
(Administration and General Powers)  
Order Confirmation Act, 1950

Session and chapter	Title of Act or Order	Extent of repeal
55 & 56 Vict. c. ccxxxv.	Dundee Extension and Improvement Act 1892.	Sections 8 to 10 inclusive sections 30 32 to 35 inclusive and sections 65 66 96 and the First Schedule.
57 & 58 Vict. c. lxxiv.	Dundee Corporation Act 1894.	Sections 5 to 18 inclusive sections 21 to 30 inclusive and sections 32 40 41 and the schedule.
62 & 63 Vict. c. lxxvi.	Dundee Gas Street Improvements and Tramways Act 1899.	Section 42.
2 Edw. 7. c. lxvi.	Dundee Corporation Libraries Order 1902.	The whole Order so far as not already repealed.
7 Edw. 7. c. lxii.	Dundee Corporation Order 1907.	Sections 6 to 8 inclusive sections 25 to 29 inclusive 67 and 69 and subsection (1) of section 79 section 84 so far as applying to the city sections 80 83 84 87 385 401 and 494 of the Burgh Police (Scotland) Act 1892 section 85 so far as applying to the city section 44 of the Burgh Police (Scotland) Act 1903 and section 91 and the First Schedule.
3 & 4 Geo. 5. c. lxxx.	Dundee Boundaries Act 1913.	Sections 4 to 9 inclusive sections 11 and 12 sections 14 to 20 inclusive sections 30 and 31 subsections (1) and (3) of section 47 section 51 and the Second and Third Schedules.
4 & 5 Geo. 5. c. lxix.	Dundee Boundaries Extension and Gas Order 1914.	Sections 5 to 8 inclusive section 12 sections 14 to 16 inclusive subsection (1) of section 21 section 22 and the First Schedule.
5 & 6 Geo. 5. c. cvi.	Dundee Corporation Order 1915.	Sections 5 to 9 inclusive.
10 & 11 Geo. 5. c. cviii.	Dundee Corporation Order 1920.	Section 30.
11 & 12 Geo. 5. c. cxxix.	Dundee Corporation Order 1921.	Sections 21 to 25 inclusive.
15 Geo. 5. c. viii.	Dundee Corporation and Water and Gas Order 1925.	Sections 22 to 25 inclusive section 28 Part VII section 56 and the Second and Third Schedules.
17 & 18 Geo. 5. c. cxix.	Dundee Corporation Order 1927.	In section 49 the words "public lighting or electricity".
20 Geo. 5. c. xlvi.	Dundee Corporation (General Powers) Order 1930.	Section 4.
22 & 23 Geo. 5. c. xlvi.	Dundee Corporation Order 1932.	Sections 5 to 8 inclusive sections 14 to 16 inclusive sections 20 21 and 51 and the schedule.
26 Geo. 5. c. v.	Dundee Corporation Order 1935.	Sections 31 37 38 and 49.

5TH SCH.  
—cont.

Session and chapter	Title of Act or Order	Extent of repeal
2 & 3 Geo. 6. c. xxxii.	Dundee Corporation Order 1939.	Sections 6 to 10 inclusive sections 16 18 19 and 51 and the First Schedule.
9 & 10 Geo. 6. c. xxv.	Dundee Corporation Order 1946.	Sections 6 to 10 inclusive sections 20 to 22 inclusive Part IV sections 53 and 55 and the First and Second Schedules.
10 & 11 Geo. 6. c. xvii.	Dundee Corporation Order 1947.	Section 5 Part IV section 29 sections 34 and 35 subsections (1) (3) (4) and (5) of section 36 and section 38.

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