

Dundee Corporation Order Confirmation Act 1969

CHAPTER xxxii

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Section *B. Miscellaneous street provisions*

- 52. Construction of streets by Corporation.
- 53. Maintenance, improvement, etc., of public streets.
- 54. Direction signs.
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ELIZABETH II



1969 CHAPTER xxxii

Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to Dundee Corporation. [25th July 1969]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation (Scotland) Act, 1936, and it is requisite that the said 1936 c. 52. should be confirmed by Parliament:

It is therefore enacted by the Queen's most Excellent Majesty, with the advice and consent of the Lords Spiritual and Commons, in this present Parliament assembled, by the authority of the same, as follows:—

The Provisional Order contained in the schedule hereunto is hereby confirmed. Confirmation of Order in schedule.

This Act may be cited as the Dundee Corporation Order Confirmation Act 1969. Short title.

SCHEDULE

DUNDEE CORPORATION

Provisional Order to amend the Dundee Corporation (C- Powers) Order, 1957, and to confer further powers on the Corporation of the city and royal burgh of Dundee in respect of the administration of the said city and royal burgh and its purposes.

Whereas the Corporation of the city and royal burgh of Dundee (hereinafter referred to as "the Corporation") are vested with the municipal government and administration of the city and burgh of Dundee and are the local authority therein:

And whereas the provisions of the Dundee Corporation (C- Powers) Order, 1957, so far as relating to the matters mentioned in this Order, in many cases have been superseded by subsequent legislation and ought to be repealed, and it would be in the public and local advantage if the provisions in this Order with respect to such matters were enacted:

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

And whereas the purposes aforesaid cannot be effected by the Order confirmed by Parliament under the Provisional Order Confirmation (Scotland) Act, 1936:

1936 c 52.

Now therefore in pursuance of the powers conferred by the said Act the Secretary of State orders as follows:

PART I

PRELIMINARY

Short title, citations and commencement of Order.

1.—(1) This Order may be cited for all purposes as the Dundee Corporation Order 1969 and the Order of 1957 and this Order may be cited together as the Dundee Corporation Orders, 1957 and 1969.

(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.

(1) In this Order terms, words and expressions to which meanings assigned by any public Act applicable to the Corporation, or wholly or partially incorporated with this Order shall, subject to the provisions of this Order, have the same respective meanings unless there is something in the subject or context inconsistent with or repugnant to such meanings.

subject to the provisions of this Order, and unless there be something in the subject or context inconsistent with or repugnant to such construction, terms, words or expressions to which meanings assigned by the Order of 1957 shall have the same meanings as they have in this Order.

The following words and expressions in this Order have, unless something in the subject or context repugnant to such construction, the meanings hereby assigned to them, that is to say:-

"Acquire" in relation to heritable property, includes acquisition by way of purchase, feu, lease or excambion;

"Act of 1947" means the Local Government (Scotland) Act, 1947; 1947 c. 43.

"Apparatus" in relation to the hydro-electric board means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882), belonging to the said board; and, in relation to the gas board means mains, pipes or other apparatus belonging to or maintained by that board; and in relation to each of the said boards includes works constructed for the housing of apparatus therein;

"Authorisation" includes any licence, certificate, permit or registration;

"Authorized officer" means an officer of the Corporation authorised by them, either generally or specially, to act in matters of any specified kind, or in any specified matter;

"Disposal" in relation to movable property means disposal by way of exchange or sale, and in relation to heritable property means disposal by way of sale, feu, excambion or lease, and "dispose of" shall be construed accordingly;

"Functions" includes powers and duties;

"Gas board" means the Scottish Gas Board;

"Hydro-electric board" means the North of Scotland Hydro-electric Board;

"Notice" means a notice in writing;

"Occupier" includes the actual occupier or tenant or sub-tenant;

"Order of 1957" means the Dundee Corporation (Consolidated Orders) Order, 1957;

PART I
—cont.

1845 c. 33.

“ railways board ” means the British Railways Board;

“ Railways Clauses Act ” means the Railways Clauses Act (Scotland) 1845;

“ repealed provisions ” means the provisions of the 1957 repealed by this Order;

1954 c. 48.

“ Summary Jurisdiction Act ” means the Summary Jurisdiction Act (Scotland) 1954.

(4) Any reference in this Order to any enactment shall, far as the context otherwise requires, be construed as a reference to that enactment as applied, extended, amended or varied by virtue of, any subsequent enactment, including this Order.

Limits of Order.

3. Except where otherwise provided or where the context requires the provisions of this Order shall apply only to the

PART II

LICENCES

Application of Part II to licences.

4. The provisions of this Part of this Order shall have relation to the several licences referred to in the Order, this Part of this Order and specified in the table set out in (Fees for licences) of this Order and in such provisions the “ licence ” shall be construed accordingly.

Applications for licences.

5. Every application for the grant of a licence shall be in writing at such time and shall contain, or be accompanied by, reasonable particulars and information as the Corporation determine, and shall be signed by or on behalf of the applicant.

Penalty for false statements in applications for licences.

6.—(1) Any person who in, or in connection with, an application for the grant of a licence—

(a) makes any statement which he knows to be false in any particular; or

(b) withholds any material information; or

(c) recklessly makes any statement which is false in any particular;

shall be guilty of an offence and any licence obtained as a result of such an offence shall immediately upon the conviction of such person become null and void without any declaration to that effect by the Corporation.

PART II
---cont.

The person to whom such licence was granted shall return it to the town clerk, within forty-eight hours of such conviction and any failure to do so shall be guilty of an offence unless he has a reasonable cause for such failure.

A licence shall be in such form as the Corporation may determine, and shall be subject to such reasonable conditions as may be specified in the licence, including, without prejudice to the foregoing generality, conditions restricting its validity to specified localities.

Form and conditions of licences.

(1) Every licence shall, unless sooner suspended or revoked, be valid for any period of one year, or such shorter period as the Corporation may determine, and as shall be specified in the licence.

Duration of licences.

A licence granted to any person shall cease to have effect if his property is sequestrated, or he is adjudged bankrupt elsewhere than in Dundee, or he signs a trust deed for creditors:

and that such licence (unless it otherwise terminates or is renewed) shall continue in favour of such person as the Corporation may determine until the expiration of two months from the date of the sequestration, or the date of the holder of the licence being adjudged bankrupt, or the signing of the trust deed for creditors, as the case may be, or such longer period as the Corporation may allow.

In the death of the holder of a licence in force in respect of any premises, the person carrying on at such premises the functions in respect of which the licence was granted, or acting as the actual and sole manager of such premises, shall be deemed to be the holder of the licence until the expiration of two months from the date of the death, or such longer period as the Corporation may allow.

During the currency of a licence, any material change occurs in the facts of which particulars and information were contained in, and which accompanied, the application for the licence, the holder of the licence shall report such change to the town clerk forthwith, and the holder of the licence failing to do so shall be guilty of an offence unless he has a reasonable excuse for such failure.

Reporting changes in particulars relating to licences.

(1) The holder of a licence in force in respect of any premises shall, without the consent of the Corporation, carry out any extension or material alteration of such premises which would affect the suitability of the premises for the purpose for which the licence was granted.

As to extensions or alterations of premises.

A person acting in contravention of the preceding subsection shall be guilty of an offence.

Every person applying for the grant of a licence shall, on making the application, pay the fee specified in the second column of the following table applicable to the class of licence specified in the first column of that table.

Fees for licences.

PART II
—cont.

(2) Every person applying for the renewal of a licence by making the application, pay the fee specified in the third column of that table applicable to the class of licence mentioned in the first column of that table.

1 Class of licence applied for	2 Fee payable on application for grant of licence
Billiard rooms	2
Brokers	2
Cab drivers	1
Cab operators	2
Chimney sweeps and window cleaners ...	1
Hawkers, pedlars or street traders ...	2
Pleasure boats	5
Theatres or places of public amusement licensed under Part XXV of the Order of 1957	2

(3) (a) Where a licence is granted to any person on a cheque and the cheque is subsequently dishonoured, the licence shall be null and void as from the time when it was granted.

(b) The person to whom such licence was granted shall deliver to the town clerk within forty-eight hours of the date of grant thereof a receipt in writing in the prescribed form, and any person failing to do so shall be guilty of an offence under section 17 unless he has reasonable cause for such failure.

Registers of applications for licences.

12. The Corporation shall cause a register to be kept of applications for each class of licence, specifying how such applications were dealt with, and the particulars in the case of each licence granted, and shall cause to be kept of such particulars relating to such particulars intimated to them.

Power to refuse licences.

13.—(1) Without prejudice to any other provision of this Order with respect to the grounds on which the Corporation may, subject to the provisions of section 16 (Restriction on power to refuse licences) of this Order, refuse to grant a licence for any cause.

The Corporation shall not grant a licence other than a licence under section 456 (Chimney sweeps and window cleaners) to be of the Order of 1957 if the applicant is under twenty-one years of age.

The holder of a licence may surrender it during its currency by giving notice to that effect, along with the licence, to the town clerk, and such licence shall cease to have effect on the expiration of seven days from the date of the receipt of such notice and licence, or an earlier date as may be specified in such notice.

1) Subject to the provisions of the succeeding section the Corporation may suspend or revoke a licence for any reasonable cause, including (without prejudice to the generality of the foregoing):—
a) a conviction of the holder for an offence against any provision of the Order of 1957 or this Order, or of any byelaws made under the Order of 1957 or this Order, being a provision relating to the matter with which the licence is concerned; or
b) breach of any condition to which the licence is subject.

On the suspension or revocation of a licence the holder shall deliver the licence to the town clerk within seven days from the date of such suspension or revocation, and any holder of a licence who fails to do so shall be guilty of an offence unless he has a reasonable excuse for such failure.

Every document intimating a decision of the Corporation under section 456 in relation to a licence shall contain a copy of the preceding section or a note of its effect.

The Corporation shall not—

- a) refuse an application for the grant or renewal of a licence; or
- b) suspend or revoke a licence; or
- c) refuse to give the applicant or the holder of the licence, as the case may be, an opportunity of being heard in person or by a representative.

Restriction on power to refuse, suspend or revoke licences.

1) Any holder of a licence aggrieved by any decision of the Corporation suspending or revoking such licence may appeal to the sheriff within fourteen days after such a decision.

Appeals against refusal, suspension, revocation, etc., of licences.

2) Any applicant for the renewal of a licence aggrieved by any decision of the Corporation—

- a) refusing his application; or
- b) imposing materially different conditions subject to which the licence was held;

may appeal to the sheriff within fourteen days after such a decision.

3) Where the conditions subject to which any renewed licence has been granted have varied materially, such variation shall not take effect until the holder has been given an opportunity of being heard in person or by a representative.

PART II
—cont.

until the time for appealing has expired and, if an appeal is made, until the appeal is finally disposed of, or abandoned, and at that time the licence shall be deemed to have been granted on the conditions applicable to the preceding licence.

PART III

CABS

Definitions for
Part III.

18. In this Part of this Order:—

“ authorised fare ” in relation to any cab journey or period for which a cab is hired means the maximum fare by the Corporation to be charged for the hire of such journey or period, as the case may be;

“ cab ” means any vehicle used, or intended to be used, for the carriage of passengers for hire or reward, and includes such vehicle kept in any premises for the purpose of being let out for hire with a driver, but does not include

(a) any vehicle kept for the purpose of being let out for hire for the day, or any longer period; or

(b) a public service vehicle;

“ cab byelaws ” means any byelaws made under section 18 (Byelaws with respect to cabs and drivers of cabs) of this Order;

“ cab driver’s licence ” means a licence under section 17 (Licences for cab drivers) of this Order;

“ cab operator’s licence ” means a licence granted to a person by the Corporation under section 19 (Licences for cab operators) of this Order;

“ fare ” includes a charge in respect of the hire of a cab for a specified period of time;

“ private hire cab ” means a cab kept for the purpose of being let out for hire with a driver not being a taxi-cab;

“ taxi-cab ” means a cab used for standing or plying for hire on the streets and “ licensed taxi-cab ” means a taxi-cab in respect of which a taxi-cab licence is in force;

“ vehicle ” means any vehicle of any description propelled along roads.

*A. Licensing of cabs*Cab-operators’
licences.

19. The Corporation may grant to any person for a period not exceeding twenty-one years a licence to operate the vehicle in respect of which a taxi-cab licence is in force as—

(a) a taxi-cab; or

(b) a private hire cab;

provided that they may refuse to grant such a licence in respect of a vehicle if, in their opinion, there is already a sufficient number of cabs or private hire cabs, as the case may be, licensed under this section to meet the needs of the city.

(1) Any person—

Penalty for using unlicensed vehicle as a cab.

(a) who within the city operates as a cab any vehicle in respect of which there is not in force a cab operator's licence granted by the Corporation; or

(b) who being the holder of any such licence contravenes or permits a contravention of any condition to which the licence is subject:

shall be guilty of an offence.

Nothing in this section shall make it an offence for any person to carry passengers for hire in a vehicle within the city on any journey originated outwith the city.

B. Licensing of cab drivers

(1) (a) The Corporation may grant to any person over the age of twenty-one years

Cab drivers' licences.

(i) a licence to drive a taxi-cab; or
(ii) a licence to drive a private hire cab.

A licence to drive a taxi-cab shall entitle the holder of such licence to drive a private hire cab also, but a licence to drive a private hire cab shall not entitle the holder of such licence to drive a taxi-cab.

(2) The Corporation shall require any applicant for a licence to drive a taxi-cab to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a taxi-cab.

Notwithstanding the production of such a certificate the Corporation may require the applicant to submit to examination by a registered medical practitioner selected by the Corporation as to his fitness to be the driver of a cab.

(3) A person shall not stand or ply for hire in any street with a taxi-cab unless he is the holder of a licence to drive a taxi-cab.

(4) A person shall not employ any person who is not the holder of a licence to drive a taxi-cab to stand or ply for hire in any street.

Any person acting in contravention of this subsection shall be guilty of an offence.

(5) A person shall not carry passengers for hire in a cab unless he is the holder of a licence to drive a taxi-cab, or a licence to drive a private hire cab.

PART III
—cont.

(b) A person shall not employ any person who is not the holder of a licence to drive a taxi-cab, or a licence to drive a private motor vehicle, to carry passengers for hire in a cab.

(c) Any person acting in contravention of this subsection shall be guilty of an offence.

Forfeiture of
cab drivers'
licences.

22.—(1) The cab driver's licence of any driver who is convicted in any court in the Kingdom of—

(a) any offence inferring dishonest appropriation of property;

(b) culpable homicide or any offence inferring personal violence;

(c) any offence inferring indecency; or

(d) an offence against section 23 (Offences in relation to cabs and drivers) of this Order; or

(e) a contravention of sections 1, 2 or 6 of the Road Traffic Act 1960, involving any vehicle of which such driver is the driver; or

(f) an offence against any provision for the time being in force of any general Act relating to road traffic or a regulation made thereunder if at the time of such conviction such driver was disqualified by such court from holding or being entitled to hold a driving licence;

shall, without any declaration to that effect by the court, be forfeited immediately upon such conviction.

(2) The holder of a cab driver's licence which has become forfeited in pursuance of the preceding subsection shall return it to the clerk within forty-eight hours of such forfeiture, and if he fails to do so without reasonable cause (the onus of proving which shall be on such driver) he shall be guilty of an offence.

(3) A copy of this section, or a note of its effect, shall be affixed to each cab driver's licence.

Offences in
relation to
cabs and
drivers.

23. Any person who fraudulently or with intent to deceive

(1) affixes or places on any cab any figure or number which resembles any figure or number appointed by the Corporation to be affixed to any cab licensed by them under this Order; or

(2) affixes or carries on his person any badge, figure or number which resembles any badge, figure or number appointed by the Corporation to be displayed by a person licensed by them under this Part of this Order in connection with the driving of a cab;

shall be guilty of an offence.

C. Fares for cabs

PART III

—cont.

Fares for cabs.

(1) The fares for the hire of cabs (including any charges for carriage of luggage therein) shall be such as may be fixed from time to time by the Corporation.

(2) Before fixing or varying any such fares the Corporation shall—

(a) consult with such persons or organisations as appear to them to be representative of a substantial number of the holders of cab-operators' licences; and

(b) give notice of their intention by advertisement stating—

(i) the general effect of the proposals;

(ii) that any person may lodge representations in writing with respect to the said proposals with the town clerk; and

(iii) the period within which such representations must be lodged, not being earlier than fourteen days after the date of publication of the notice.

Where the Corporation, after such consultation and after giving any such representations, fix or vary any such fares, they give notice thereof by advertisement specifying—

(a) details of the fares so fixed or varied; and

(b) the date on which such fares shall come into operation.

(3) Any holder of a cab-operator's licence and any driver of a cab who demands or takes as a fare a greater sum than the authorised fare, or

Authorised or agreed cab fare not to be exceeded.

having agreed beforehand with any person hiring such cab to charge a sum less than the authorised fare for such hire, demands or takes more than the sum so agreed upon; shall be guilty of an offence.

Any person shall not be bound by any agreement made with the driver or with any person in charge, of any cab, for the payment of a sum in excess of the authorised fare, and any person who has made such an agreement may refuse to pay any sum beyond the authorised fare.

Any person who has paid more than the authorised fare or the agreed fare as the case may be in respect of the hire of a cab shall be entitled to recover the excess from the person to whom the payment was made and in any proceedings charging the driver of a cab or other person with a contravention of subsection (1) of this section the court on the event of the offence being proved and on being satisfied that the person has been paid more than the authorised fare or the agreed fare as the case may be shall make an order against the offender for the recovery of the excess sum so paid.

PART III
—cont.Penalty for
refusal to pay
cab fare.

26.—(1) Any person hiring a licensed cab who on the contract such hire refuses to pay—

(a) the authorised fare; or

(b) any fare less than the authorised fare agreed by the holder of the cab licence or driver of the cab;

shall be guilty of an offence.

(2) In any proceedings charging a person with a contravention of subsection (1) of this section the court may in the event of the offence being proved make an order requiring the offender to make good the fare due by him to the driver or other person entitled to the fare and also of such sum as is reasonable in respect of compensation for such driver or other person for financial loss in attending to him or otherwise in connection with the refusal to pay.

Fares and
charges fixed
under repealed
provisions to
continue until
new fares and
charges fixed.

27. Any fares and charges fixed by the Corporation in respect of cabs under the repealed provisions may continue to be deemed to be in force until fares and charges are fixed by the Corporation under section 24 (Fares for cabs) of this Order.

D. Cab byelaws

Byelaws with
respect to
cabs and
drivers of cabs.

28.—(1) The Corporation may make byelaws for all the following purposes:—

(a) regulating all matters affecting or relating to the comfort or convenience of persons hiring or using cabs of the public;

(b) regulating the type, construction, equipment, maintenance, examination, inspection and use of cabs and the age in excess of which vehicles shall not be used as cabs;

(c) regulating the numbering of cabs, the issue of licence plates indicating such numbers, and fixing the use of such plates;

(d) appointing stances for taxi-cabs and regulating the use of such stances and of any shelters thereat.

Provided that—

(i) byelaws made under the powers of this section shall not empower the Corporation to appoint or prohibit the use of stances and of any shelters thereat for taxi-cabs standing or plying for hire at or near any railway station or railway premises or in any yard or enclosure of the railways board except with the consent of the railways board; and

(ii) nothing in this paragraph shall empower the Corporation to make a byelaw appointing stances for taxi-cabs on any private ground without the consent of the owner or occupier thereof;

(e) requiring that every cab shall be equipped with a meter and regulating the fixing and testing of each such meter and prohibiting interference with any such meter or the use of it to register incorrectly;

(a) regulating the number of persons to be carried in cabs and securing the due display of the prescribed number in or on each cab;

(b) regulating the disposal of articles found in or on cabs;

(c) prohibiting or regulating the display of advertising matter in or on cabs;

(d) regulating the conduct and duties of drivers of cabs when acting as such, and of the holders of cab licences and private hire cab licences in relation to their cabs;

(e) regulating the conduct of passengers in cabs and providing for the withholding of fares by passengers in prescribed circumstances;

(f) specifying limits within which the hirer of a cab shall be entitled to be conveyed;

(g) ensuring that a passenger is not conveyed without the consent of the hirer; and

providing for every holder of a licence in respect of a cab supplying to any authorised officer in that behalf or to any constable on request being made by such officer or constable

the name and address of any person who was authorised to drive such cab at any specific time within seven days before the request was made.

Any byelaw made by the Corporation under this section (other than a byelaw regulating the use of stances) shall have effect in relation to any cab or person licensed under this Part of this Order by the Corporation while such cab or person is for the purpose or in consequence of a particular contract temporarily outwith the city.

Any person who contravenes any byelaw made under this section shall be guilty of an offence.

In respect of byelaws made under the powers of this section the authority for the purposes of section 301 (Procedure etc. of byelaws) of the Act of 1947 shall be the Secretary of State.

E. Supplementary

(1) The holder of a cab-operator's licence shall cause to be prominently displayed on a prominent part of the vehicle to which it relates—

(a) his name and address;

(b) the serial number of the licence; and

(c) notice of such size and description as may be specified in any byelaws made under this Order indicating the number of passengers which the vehicle is licensed to carry.

(2) Any driver of a cab hired within the city shall not without cause refuse to drive the cab to any place within such limits

Miscellaneous provisions as to cabs and drivers.

PART III
—cont.

as may be specified in any cab byelaws made under this Act which he may be required by the hirer thereof to drive.

(3) Any person who contravenes any provision of this section shall be guilty of an offence.

PART IV

FIRE PRECAUTIONS

A. Fire precautions in certain buildings used as places of assembly.

Power to require fire precautions in certain buildings used as places of assembly.

30.—(1) Where, upon consideration of a report by the Corporation are of opinion that there is an undue risk of injury or danger to persons resorting to such building (in the event of fire) regard to the number of persons likely to resort to the building (at any one time) the Corporation may, by notice

- (a) require the owner of such building
 - (i) to provide satisfactory and sufficient means of egress and passages and gangways, and
 - (ii) to alter any installation, apparatus and the lighting and heating of the building, or to new installation, apparatus or fittings for such building, and

- (b) require the occupier of such building
 - (i) to fix the chairs and seating accommodation in a satisfactory position;
 - (ii) to secure that open fires or stoves shall be and adequately protected; and
 - (iii) to provide such fire-fighting appliances for such building as may be specified in such notice.

(2) Where any building in relation to which a notice preceding subsection (1) has been served is not occupied by the

- (a) a copy of the notice served on the owner shall be served on the Corporation to the occupier; and

- (b) a copy of the notice served on the occupier shall be served on the Corporation to the owner;

in each case as nearly as practicable at the same time as the notice is served on the owner or the occupier, as the case may be.

(3) Any person aggrieved by any requirement of subsection (1) of this section may appeal to the sheriff.

(4) (a) The person having the control of any building to which this section applies shall ensure—

- (i) that the means of ingress and egress and their gangways shall be left free and unobstructed;
- (ii) that the fire-fighting appliances are maintained in good order.

at all times during which the persons referred to in paragraph (a) of section (6) of this section or any large number of people are assembled in the building:

Provided that sub-paragraph (i) of this paragraph shall not apply in relation to any building if the person having the control of that building has not control over the use of the part of the building used as a place of assembly by persons and for the purposes referred to in section (6) of this section.

Any person acting in contravention of any provision of this section shall be guilty of an offence.

If in the opinion of the Corporation, immediate action for the prevention or reduction of danger from fire should be taken in the case of any building to which this section applies the sheriff may, on the application of the Corporation, interdict the owner and occupier of the building from using it, or permitting it to be used, for the purposes mentioned in the succeeding subsection.

This section applies to any building used, whether occasionally

or by the members of any club, organisation or other body which has been formed for the purposes of, or the objects of which include gaming (within the meaning of the Betting, Gaming and Lotteries Act 1963) the entertainment of, or participation in dancing or the playing of games by, the members thereof, or

for meetings, or for holding large numbers of people for any purpose whatsoever.

This section shall not apply in relation to any premises licensed for entertainment provided that the conditions attached to the licence or permit of such premises are complied with while the premises are used for such purposes or any premises which form part of premises to which the Factories Act, 1961, or the Offices, Shops and Premises Act, 1963, applies.

1963 c. 2.
1961 c. 34.
1963 c. 41.

Registration of premises used for storage of paraffin oil

(a) A person shall not use for the storage of paraffin oil for purposes of sale or trade any premises to which this section applies until such time as the premises have been registered by the Corporation as being suitable for such purposes and the Corporation is satisfied that

Premises used for storage of paraffin oil to be registered.

adequate means of escape in case of fire have been or will be provided

adequate fire-fighting appliances have been or will be provided in the premises; and

notices indicating the existence of danger from fire will be exhibited in the premises in such characters and in such positions as to be conveniently read by persons resorting thereto.

PART IV
—cont.

(b) An application for registration under this section may be made by an owner or occupier of premises, but where an application is made by an occupier who is not the owner evidence of the consent of the owner in writing shall be produced to the Corporation.

(c) The Corporation shall charge a fee of £1 for each application for registration under this subsection.

(d) Any person using any premises in contravention of this section shall be guilty of an offence.

(2) The Corporation, in registering any premises under this section may prescribe requirements as to means of escape, fire appliances or notices, and they may at any time, by notice to the occupier, vary their requirements as to means of escape, fire appliances or notices.

(3) Any person aggrieved by—

- (i) any refusal of the Corporation to register any premises under this section; or
- (ii) any requirement, or variation of a requirement, of the Corporation under the preceding subsection; or
- (iii) any refusal of the Corporation to grant a consent under this section, or any condition prescribed by the Corporation with reference to a consent granted under this section;

may appeal to the sheriff.

(4) (a) If the occupier of any premises registered under this section fails—

- (i) to maintain in such premises any means of escape, fire appliances or notices required to be provided, or to keep such means of escape, fire appliances or notices free from obstruction; or
- (ii) to maintain in such premises any fire-fighting appliances or notices required to be provided; or
- (iii) to exhibit the notices required to be exhibited in pursuance of, and in conformity with, subsection (1) (a) of this section; or
- (iv) to comply with any requirement of the Corporation under subsection (2) of this section;

he shall be guilty of an offence.

(b) (i) The owner or occupier of any premises registered under this section shall not, without the consent of the Corporation, carry out any material extension or material alteration of such premises.

(ii) Any owner or occupier acting in contravention of this paragraph shall be guilty of an offence.

(c) Where there has been a contravention of or non-compliance with any of the provisions of this section the Corporation may cancel the registration of the premises concerned.

(5) The sheriff may, on the application of the Corporation, interfere with the premises—

- (a) which are being used in contravention of subsection (1) of this section; or

relation to which any provision of paragraphs (a) or (b) of the preceding subsection is being contravened;

using such premises, or permitting them to be used, for the storage of paraffin oil for the purposes of sale or trade.

For the purposes of this section "paraffin oil" means the product of petroleum commonly known as "paraffin oil" or "kerosene", whatever its description or trade name, which is used or intended to be used as fuel.

This section applies to any premises forming part of a building which any other part comprises a dwelling-house or a place in which a person works, not being premises—

(a) within the harbour of Dundee; or

(b) in relation to which the following conditions are fulfilled:—

(i) the paraffin oil stored therein is stored in separate glass, earthenware or metal vessels, securely sealed or stoppered and containing not more than 1 pint each, and the aggregate amount so stored does not exceed 3 gallons;

or

(ii) the quantity of paraffin oil stored therein does not exceed 100 gallons and is stored in one or more tanks or containers approved by the Corporation, or by an authorised officer, a list of which approved tanks or containers shall be kept at the office of the town clerk and shall be open to the inspection of all persons interested free of charge at all reasonable hours:

provided that, in relation to any premises to which condition (ii) of this subsection relates, adequate means of extinguishing fire are provided and maintained by the occupier.

Nothing in this section shall be in derogation of the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963, or any regulations made under either of those Acts.

1961 c. 34.
1963 c. 41.

Provision of portable fire-fighting appliances in certain buildings

(1) (a) The Corporation may, by notice, require the occupier of any building to which this section applies to provide portable fire-fighting appliances in such building.

Provision of portable fire-fighting appliances in certain buildings.

Any person aggrieved by any requirement of a notice under this subsection may appeal to the sheriff.

(a) All fire-fighting appliances provided in any building to which this section applies shall be maintained by the occupier.

Any person acting in contravention of this subsection shall be guilty of an offence.

This section applies to any hotel, restaurant (not being a public house), or any premises forming part of premises in respect of which a cinematograph licence is in force, school, hospital, boarding-house, common lodging-house, farm-out house or fried-fish shop.

(2) Nothing in this section shall be in derogation of the Factories Act, 1961, or the Offices, Shops and Railway Premises Act, 1963.

PART IV
---cont.

D. General

Owners or occupiers may be required to meet expenses of requirements under Part IV.

33. If the owner or the occupier of any building alleges that occupier (in the case of a notice served on the owner) or the (in the case of a notice served on the occupier) of the building to a notice under this Part of this Order relates should bear or contribute to, the expense of complying with any requirement of such the sheriff may, on the application of such owner or occupier, case may be, make such order as appears to him just and equitable in all the circumstances.

Summary applications under Part IV.

34.--(1) Any application to the sheriff under this Part of this Order shall proceed by way of initial writ under the Sheriff Courts (Scotland) Acts, 1907 to 1963, and shall be disposed of as a summary application as defined in the said Acts.

(2) Applications to the sheriff for interdict under this Part of this Order shall proceed by way of initial writ under the said Acts and shall proceed in all respects as if they were actions for interdict at common law.

Saving for liability in respect of Part IV.

35. Nothing in this Part of this Order shall impose on the Corporation any liability in respect of injury to persons or damage to property.

PART V

BURGH COURT

Designation of burgh court.

36. References in any enactment to the police court of a burgh to any proceedings in the police court of a burgh shall, in an application to the city, be construed as references respectively to the burgh court and to corresponding proceedings in the burgh court.

Burgh court judges.

37.--(1) Subject to the provisions of this Part of this Order, the judges of the burgh court shall be the magistrates and the judges of police of the city, and the jurisdiction of the burgh court shall be exercised by a magistrate or judge of police.

(2) The lord provost or, in his absence, the acting chief magistrate shall arrange the order in which the magistrates and judges of police shall officiate in the burgh court.

Jurisdiction of burgh court.

38. The burgh court shall exercise jurisdiction in respect of offences against Part III (Cabs) of this Order whether such offences were committed within the city or not.

Proceedings in burgh court to be at instance of burgh prosecutor.

39.--(1) Except as otherwise provided in any enactment, all prosecutions and other proceedings in the burgh court shall be at the instance of the burgh prosecutor.

(2) Any prosecutions or other proceedings in the burgh court which have been raised by the burgh prosecutor (including any interim proceedings) shall continue in force and effect notwithstanding the resignation or death of any such prosecutor, and may be taken up and proceeded with by his successor.

PART V
—cont.

In addition to the powers conferred by section 93 (2) of the Act with respect to the appointment of interim officers, the lord provost or the acting chief magistrate may, in the case of any vacancy in the office of burgh prosecutor, make an interim appointment to the said office to endure until the appointment of a successor, and in any event for a period not exceeding six months, and the said subsection shall, with any necessary adaptations, apply with respect to any officer appointed in terms of this section.

Additional powers with respect to appointment of interim burgh prosecutor.

Where under the Order of 1957 or this Order an application made to the burgh court and a form of procedure appropriate application is not provided by the Summary Jurisdiction Act, an application may be made by petition referring to the provision of powers upon which it is founded, and the court shall dispose of the same summarily.

Procedure in applications to burgh court.

Expenses reasonably incurred by the burgh prosecutor in connection with appeals taken by him against decisions in any prosecution or other proceedings raised by him, and in defending appeals from any convictions, sentences or orders following on any prosecution or other proceedings raised by him, shall be paid out of the burgh fund.

Expenses of appeals from burgh court.

Incidental powers exercisable by the burgh court in prosecution under the Order of 1957 or this Order, or any byelaws made under the Order, whether by way of suspension or revocation of licence or otherwise, shall also be exercisable by the sheriff in the exercise of the summary jurisdiction conferred by section 7 (2) of the Summary Jurisdiction Act.

Incidental powers of burgh court to be exercisable by sheriff.

Section 103 of the Act of 1947 (which relates to the protection of local authorities acting in the execution of their duties) shall extend and apply with respect to the clerk of the burgh court and the burgh prosecutor as if their duties were functions of a local authority.

Application of section 103 of Act of 1947 to clerk of burgh court and to burgh prosecutor.

PART VI

ACQUISITION AND DISPOSAL OF LAND

A. Definitions for Part VI

In this Part of this Order —

Definitions for Part VI.

“land” includes land covered with water, and any interest in land, and any right or servitude in, to or over land; and

“Lands Clauses Act” means the Lands Clauses Consolidation (Scotland) Act, 1845.

1845 c. 19.

B. Acquisition of land by agreement

(1) (a) The Corporation may acquire by agreement any land within the city —

Acquisition of land by agreement for purposes of Order, etc.

for the purposes of any of their functions under the Order of 1957 or this Order; or

for the benefit, improvement or development of the city.

The Corporation may, in the exercise of the powers conferred by this subsection, acquire any land notwithstanding that it is not lawfully required.

PART VI
—cont.

(2) The Lands Clauses Acts except—

- (a) the provisions relating to the acquisition of land other by agreement;
- (b) sections 120 to 125 of the Lands Clauses Act (which relate to the sale of superfluous land); and
- (c) sections 142 and 143 of the Lands Clauses Act (which relate to access to the special Act);

1923 c. 20.

and sections 6 and 70 of the Railways Clauses Act and sections 71 to 74 of the said Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923, shall be incorporated with this section, and in construing those provisions for the purposes of this section this section shall be deemed to be the special Act and the Corporation to be the promoter of the undertaking, or company, as the case may require.

C. Compulsory acquisition of land

Compulsory acquisition of land for purposes of Order, etc.

47.—(1) The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purposes of any of their functions under the Order of 1957 or this Order.

1947 c. 42.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1947, shall apply in relation to any such purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

(3) Nothing in this section shall authorise the acquisition of operational land of any statutory undertakers.

Completion of title in certain circumstances to land acquired compulsorily.

48.—(1) Where in the case of any land the Corporation would purchase money or compensation payable had been deposited in a bank in accordance with the provisions of section 75 of the Lands Clauses Act, have been entitled to expedite a notarial instrument under section 76 of that Act, they may (notwithstanding any law or practice to the contrary and notwithstanding that the amount of the purchase money or compensation payable has not been agreed or awarded, and in any case without depositing such purchase money or compensation (if any) in a bank) expedite a notarial instrument in relation to such land and the said section 76 shall, with any necessary adaptations, apply to such land as if it had been land to which the said section 76 is applicable.

(2) Nothing in this section shall affect the rights of the persons interested in any land acquired compulsorily to recover the purchase money or compensation payable to them by the Corporation.

D. Disposal of land

Power to dispose of land.

49. Notwithstanding anything in any enactment, the Corporation may, by public roup or private bargain, dispose of any land in them for the purposes of any of their functions and for such purposes:

PART VI
—cont.

provided that—

(a) the Corporation shall not (unless the Secretary of State otherwise consents) dispose of any land to which this section applies except on the best terms which can reasonably be obtained, but a person acquiring right to any such land shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained;

(b) the proceeds of any such sale shall be applied only to purposes to which capital is properly applicable, including the redemption of debt; and

(c) the proceeds of the sale of any land vested in the Corporation for the purposes of the transport undertaking or forming part of the common good shall be applied only to the purposes of the transport undertaking, or the common good, as the case may be.

PART VII

MISCELLANEOUS

A. *Public safety*

(1) (a) The Corporation may, by notice, require the occupier of a public building or sports ground to provide such first-aid appliances in such public building or sports ground, as may be specified in the notice. Power to require first-aid appliances in certain premises

(b) Any person aggrieved by any requirement of a notice under this section may appeal to the sheriff.

(2) (a) All first-aid appliances provided in any public building or sports ground shall be maintained by the occupier.

Any person acting in contravention of this subsection shall be guilty of an offence.

(3) This section shall not apply in relation to premises in respect of which a cinematograph licence is in force.

(4) (a) A person shall not carry out blasting operations with explosives without a permit from the city engineer. Blasting operations not to be carried out without permit.

Every application for a permit under this section shall be made to the city engineer at least forty-eight hours before it is intended to carry out blasting operations.

The city engineer may attach to any permit under this subsection such conditions as he considers appropriate for the prevention of annoyance to the public.

Any person carrying out blasting operations with explosives without a permit, or in contravention of any conditions attached to a permit under the preceding subsection shall be guilty of an offence.

Part VII
—cont.

(3) Nothing in this section shall—

(a) be in derogation of the Explosives Acts, 1875 and 1923, the Mines and Quarries Act, 1954, or the Factories Act, 1961, or of any regulation or order made under any of those Acts, or

(b) apply to any mine within the meaning of the Mines and Quarries Act, 1954.

B.—Miscellaneous street provisions

Construction of streets by Corporation.

52.—(1) The Corporation may construct any street, or any part of a street, authorised under section 140 of the Order of 1951, giving three months' notice to the owners of the lands over which the street, or part of such street, is to be constructed, and of any lands fronting, adjoining or abutting thereon and they may enter upon such lands for that purpose.

(2) The Corporation may charge and the owners of the lands fronting, adjoining or abutting on such street or such part thereof shall pay to the Corporation on demand, the cost of making such street, apportioned according to the lengths of their respective lands fronting, adjoining or abutting thereon as aforesaid, as such cost and apportionment thereof shall be certified by the city engineer and the amount thereof shall, from the time of its being certified as aforesaid, be a burden on the lands in respect of which it was incurred:

Provided that the Corporation shall not be entitled to recover the apportioned cost as aforesaid, unless and until the lands affected thereby are built on or are laid out or used as pleasure ground or as a site pertinent to a building.

(3) In the case of any lands where there are two or more owners the apportioned cost shall be apportioned among such owners according to the net annual value of each part of the lands separately owned.

(4) Any street constructed by the Corporation under the power conferred by this section shall vest in them as a public street, and without prejudice to their right, under this section, to recover the cost incurred by them in connection with the construction of such street.

Maintenance, improvement, etc., of public streets.

53.—(1) The Corporation may from time to time execute any works necessary for maintaining, altering, widening, improving or repairing public streets, including—

(a) the construction of dual carriageways, the division of carriageways, the construction of roundabouts and the variation of the relative widths of carriageways and footways;

(b) the construction of cycle tracks;

- (a) the construction, widening and reconstruction of bridges carrying streets;
- (b) the construction, widening and reconstruction of pedestrian bridges over streets; and
- (c) the alteration of the levels of streets.

The Corporation shall, subject to the provisions of this Order, compensate to the owners and occupiers of any lands or premises usually affected by any operations under paragraphs (c), (d) or (e) of the preceding subsection.

The provisions contained in Part II of the Public Utilities Works Act, 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) shall apply to works executed under the powers of this section as if such works were mentioned in section 21 (1) (a) of that Act. 1950 c. 39.

(1) The Corporation may put up or paint on a conspicuous building or place at or near the corner of any street, signs indicating the direction or the distance to towns, railway stations, buildings and other places of a public character. Direction signs.

(a) Before putting up or painting a sign on any building or place the Corporation shall give fourteen days' notice to the owner of the building or place.

Any owner aggrieved by any notice under this subsection may appeal to the sheriff.

Any person who obscures, removes or alters any such sign shall be guilty of an offence, unless he has lawful authority or reasonable excuse for so doing.

The exercise of the powers conferred by this section shall be subject to—

(a) the provisions of the Road Traffic Regulation Act, 1967, 1967 c. 76, with respect to traffic signs; and

(b) any regulations made, or any general or other directions given by the Minister of Transport and the Secretary of State or the appropriate Minister within the meaning of the said provisions, as the case may be, in pursuance of the said provisions.

(1) A person shall not mix or deposit mortar, cement, plaster or any substance in any street except upon such board or in such enclosure as will protect the street from such mortar, cement, plaster or substance. Mixing of mortar, etc. in streets.

It shall not be an offence under this section if the person concerned is satisfied that this section shall not apply to the mixing or depositing of any substance for the purposes of making up, maintaining, repairing, altering or improving such street.

Any person contravenes the provisions of this section he shall be guilty of an offence.

PART VII
—cont.Mud from
vehicles on
streets.

56.—(1) A person in charge of a vehicle shall not bring such upon any street unless he has first taken, or caused to be taken, such steps reasonably practicable to remove any mud, clay, lime or other substance adhering to the wheels or tracks or other parts of the vehicle which is likely, if not so removed, to cause obstruction or danger or to incommode, persons using the street, or to cause damage to the surface of the street.

(2) If any person contravenes the provisions of this section he shall be guilty of an offence.

Power to
Corporation to
name streets

57.—(1) The Corporation shall determine the name by which any street shall be distinguished.

(2) (a) The Corporation may from time to time by a resolution alter the name of any street.

(b) Notice of any proposal to alter the name of any street shall be published in one or more newspapers circulating in the city, and notice that objections to such proposal must be in writing and lodged with the town clerk within fourteen days from the date of the first publication of such notice.

(c) Before deciding whether or not to alter the name of any street the Corporation shall consider any objection which has been made in writing to their proposal.

(d) In the event of the Corporation deciding to alter the name of any street, they shall, as soon as conveniently may be, insert a notice intimating their decision at least once in a newspaper circulating in the city and shall also give written notice thereof to any person who has made an objection to the proposal and did not withdraw such objection.

(3) The Corporation shall affix, paint or mark the name of any street on a conspicuous part of any premises, fence, lamp-post, sign-post, standard or other structure in such street, and for such purpose they may erect poles, standards or other structures in such street.

(4) Any person who destroys, pulls down or defaces any name or affixes, paints or marks any other name shall be guilty of an offence.

*C. Dean of Guild Court*Jurisdiction of
Dean of Guild,
etc.

58. Any jurisdiction in respect of property in the city or burgh immediately before the commencement of this Order shall from the commencement of this Order cease to have effect.

*D. Payment of accounts*Payment of
accounts of
Corporation.

59. Notwithstanding anything in section 182 of the Act of 1963 (which relates to payments to and by town councils) or in any regulation made under that section all payments due to be made by the Corporation or any committee may be made without the necessity of an order of the committee signed and countersigned in pursuance of that section.

Provided that—

(a) lists of all payments so made, prepared in such form as the Corporation may from time to time prescribe, shall be deposited for the information of members of the Corporation in the city chambers, in such manner, at such intervals, and for such periods as the Corporation may from time to time prescribe; and

during the period that such lists are so deposited the city chamberlain shall, on request by any member of—

(i) the committee of the Corporation to which a list relates; or

(ii) the finance committee;

produce for the inspection of such member any account included in such list.

E. Deficient supply of water to dwellinghouses

(1) If the occupier of any dwellinghouse within the city complains to the sanitary inspector that the supply of water, as laid on such dwellinghouse, is deficient in quantity or not continuously available throughout the day, the sanitary inspector shall forthwith investigate the cause of complaint and report to the Corporation.

As to deficient supply of water to dwellinghouses

Such investigation it is found that the supply pipe or other apparatus belonging to the owner of the property and used for supplying the property are too small in diameter to provide an adequate supply of water or are silted up or encrusted with rust or otherwise in any other way and if the Corporation so order, the owner of the property shall, on a notice to that effect being given by the sanitary inspector, be bound to carry out all operations necessary to provide an adequate supply of water.

If such owner does not comply with such notice within twenty-one days of the service thereof he shall be guilty of an offence.

The Corporation may in their discretion themselves carry out the operations and recover from the owner of the property the expenses necessarily incurred by them in so doing.

PART VIII

GENERAL PROVISIONS AS TO OFFENCES

A. Penalties

Any person guilty of any of the offences against the provisions of this Order specified in column 1 of Schedule 1 to this Order shall be liable on summary conviction to a fine not exceeding the amount specified in column 2 of the said schedule opposite to the offence.

Any person guilty of an offence against any provision of this Order specified in Schedule 1 to this Order shall be liable on summary conviction to a fine not exceeding ten pounds.

PART VIII
—cont.

(3) Where the contravention in respect of which any person is convicted of an offence against this Order is continued after conviction, the person convicted shall be guilty of a further offence of the same nature and shall be liable on summary conviction to a fine not exceeding, for each day or part of a day during which the contravention is shown to have been continued, one-half of the maximum fine applicable to the original offence.

Penalties for offences against byelaws.

62. Any person acting in contravention of any byelaw made under this Order shall be guilty of an offence and shall, unless otherwise expressly provided, be liable on summary conviction to a fine not exceeding ten pounds and, where the contravention is continued, to a fine not exceeding five pounds for each day or part of a day during which the contravention is shown to have been continued.

Penalty for aiding and abetting offences against Order and byelaws.

63. Any person who aids, abets, counsels, procures or induces any other person to commit an offence against this Order or against any byelaw made under this Order, shall be guilty of an offence against this Order and shall be liable on summary conviction to the same penalty as might be imposed on conviction of the first-mentioned offence.

Offences by bodies corporate.

64. Where an offence against this Order, or against any byelaw made under this Order, which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

B. Increase of maximum penalties for offences against the Order of 1957

Increase of maximum penalties for offences against Order of 1957.

65. (1) The sections of the Order of 1957 specified in column 1 of Schedule 2 to this Order (being sections creating the offences described in column 2 of that Schedule) shall each have effect as if the maximum penalty which may be imposed on summary conviction of any offence specified were a penalty not exceeding the penalty specified in column 4 of that Schedule instead of a penalty exceeding, the maximum penalty specified in column 3 of that Schedule.

(2) Any person guilty of an offence against any provision of the Order of 1957 not specified in Schedule 2 to this Order (not being an offence for which the penalty which may be imposed is a fine not exceeding ten pounds or a term of imprisonment) or of any byelaw made under the Order of 1957 shall be liable on summary conviction to a fine not exceeding ten pounds and, where the contravention is continued after conviction, to a further fine not exceeding five pounds for each day or part of a day during which the contravention is shown to have been so continued.

Nothing in this section shall affect the penalty which may be imposed on conviction of an offence committed before the commencement of this Order.

PART VIII
—cont.

PART IX
GENERAL
Notices, etc.

(1) Where under any provision of the Order of 1957 or this Act the Corporation or any authorised officer is required or allowed to serve a notice on the owner or occupier of any lands or such notice shall be deemed to be validly served if it is served on the person appearing from the valuation roll, or otherwise on the Corporation or to such authorised officer, to be such owner or occupier, as the case may be, or where more than one person appears or is otherwise known to be such owner or occupier, as the case may be, on any one of such persons.

Service and validity of notices, etc.

Notice on a person so appearing to be owner or occupier, as the case may be, shall be deemed to be validly served if it is addressed to his name or, where his name is not stated in the valuation roll, to the description as appearing, and at his address as entered, in the valuation roll.

A document purporting to be signed by the town clerk as certifying the appointment of, or any authority given to, an officer of the Corporation shall be conclusive evidence of such appointment or authority in the absence of evidence to the contrary.

Evidence of appointment or authority of officers of Corporation.

Entry and obstruction

(1) Any authorised officer shall, on producing (if required) his authority, have a right at all reasonable hours to enter any premises—

Power to enter premises.

(a) for the purpose of ascertaining whether there is, or has been, on or in connection with, the premises any contravention of any provision of the Order of 1957 or this Order or of any byelaws or orders made under these enactments, or of any condition subject to which any consent or authorisation has been granted under these enactments;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under these enactments or any such byelaws or orders;

(c) for the purpose of taking any action or executing any work authorised or required by these enactments, or any such byelaws or orders, to be taken or executed by the Corporation;

(d) generally for the purpose of the performance by the Corporation of their functions under these enactments and any such byelaws or orders:

PART IX
—cont.

Provided that admission to any premises shall not be deemed of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) A magistrate or judge of police may, on the application of a burgh prosecutor, grant warrant to any authorised officer to enter any premises (using force if necessary) on being satisfied—

- (a) that admission to such premises has been refused, or that a refusal is apprehended, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the entry is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any such purposes.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him any other persons as may be necessary and, on leaving any premises which he has entered by virtue of such a warrant, shall leave them as effectually secured against trespassers as he found them.

(4) If any person who is admitted into any premises in compliance with this section or with a warrant issued thereunder, makes or discloses to any person, any information obtained by him in the course of his duty with regard to any manufacturing process or trade secret, he shall, unless such use or disclosure was made in the performance of his duty, be guilty of an offence.

(5) Every warrant granted under this section shall continue in force for one month or until the purpose for which the entry is necessary has been satisfied, whichever is the shorter.

(6) The firemaster and any member of the fire brigade authorised to that effect by the Corporation shall be deemed to be an authorised officer for the purposes of this section.

(7) Nothing contained in this section shall empower any authorised officer to enter any premises used only as a private dwelling except for the purposes of the Order of 1957 or this Order.

Penalty for obstructing execution of Order or byelaws, etc.

69. Any person wilfully obstructing any person acting in the execution of the Order of 1957 or this Order, or of any byelaw, order or warrant made or issued thereunder, shall be guilty of an offence.

General savings provisions

Powers of Order to be cumulative.

70. All powers conferred and duties imposed by this Order shall be deemed to be in addition to, and not in derogation of, any powers conferred and duties imposed by any enactment, law or custom and, subject to any repeal effected by, or other express provision of, this Order, all such powers and duties may be exercised and shall be performed in the same manner as if the Act confirming this Order had not been passed.

PART IX
—cont.

Crown rights.

Nothing in this Order shall affect prejudicially any estate, right, privilege or exemption of the Crown or shall subject to the provisions of this Order any lands, buildings or works vested in or held by the Crown or any department of Her Majesty's Government except to such extent as Her Majesty or such department may and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore of the sea or of any river, channel, creek, bay or estuary or any heritages, subjects, or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of the Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Nothing in this Order shall affect the operation of any enactment which a licence is required for a public entertainment or a graph exhibition.

Saving for licensing of public entertainments, etc.

Transitional provisions

In this Order the expressions "under this Order" and "under this Order" and any other expression describing any thing by reference to this Order, or to any provision of this Order shall be construed as including a reference to the corresponding provisions and any reference to byelaws made under any provisions of this Order shall be construed as including a reference to any byelaws made under the said corresponding repealed provisions and in force for the time being.

References to provisions of Order deemed to include references to corresponding repealed provisions.

Repeals, etc.

The provisions of the Order of 1957 specified in Schedule 3 to this Act are hereby repealed to the extent shown in column 3 of the Schedule.

Repeal of provisions of Order of 1957.

Subject to the provisions of this Order, the provisions of the Order of 1957 of which the numbers and marginal notes are set out in column 1 of Schedule 4 to this Order, shall have effect subject to the amendments specified in relation to those sections respectively in column 2 of the said Schedule.

Amendments of Order of 1957.

(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed provisions —

Saving from effect of repeal.

(a) All existing agreements made by the Corporation or their predecessors under or confirmed by any of the repealed provisions shall, so far as subsisting and in force at the commencement of this Order, 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 acts, works, matters and things done or commenced under the powers of the repealed provisions which were valid and available or in progress at the commencement of this Order,

PART IX
—cont.

- and all existing notices, notices to treat, agreements and contracts, deeds, leases, servitudes, obligations and shall continue valid and available for all purposes and against all parties and may be continued, enforced and completed as if the Act confirming this Order had not passed;
- (c) all existing annuities, bonds, mortgages or other made, granted, payable or created by the Corporation or their predecessors under any of the repealed provisions shall continue valid and available for all purposes as if the Act confirming this Order had not been passed;
- (d) all actions, submissions and proceedings by, with or against the Corporation or any officer of the Corporation by or for the Corporation or any officer of the Corporation in or in relation to any matters or things done before the commencement of this Order in execution of, or in relation to, the repealed provisions may be continued, commenced or prosecuted with or against the Corporation or such officer as if the Act confirming this Order had not been passed;
- (e) all prosecutions in respect of offences against any provision of the repealed provisions initiated before the repeal of that provision may be continued as if the Act confirming this Order had not been passed;
- (f) all existing byelaws, rules, regulations, orders, registrations, consents, sanctions, permissions and things done in execution of, or in relation to, or in pursuance of, the repealed provisions 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 the repealed provisions had not been repealed for the like purposes respectively under the provisions of this Order;
- (g) in the case of a byelaw which has been made before the commencement of this Order but which, by reason of not having been confirmed or of the time for disallowance not having expired, is not in force at that date, proceedings may be taken and with the same effect as if the Act confirming this Order had not been passed;
- (h) all sums due to the Corporation at the commencement of this Order under the repealed provisions may be recovered by them as if the Act confirming this Order had not been passed;
- (i) any document relating to any provision of the repealed provisions which is re-enacted, with or without modification in this Order shall, unless the contrary intention appears, be of full force and effect and shall be deemed to refer to the corresponding provision enacted in this Order and any references in any such document to any such repealed provision shall be deemed to be a reference to the corresponding provisions.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act, 1889.

77. The costs, charges and expenses of and incidental to the preparing, obtaining and confirming of this Order or otherwise in connection thereto shall be paid by the Corporation out of the burgh fund in such manner as the Corporation may determine.

PART IX
—cont.
Costs of Order.

SCHEDULES

Section 61.

SCHEDULE 1

MAXIMUM PENALTIES FOR OFFENCES AGAINST ORDER

Provision of Order contravened	Ma
Section 20 (Penalty for using unlicensed vehicle as a cab) ...	
Any provision of subsection (4) of section 30 (Power to require fire precautions in certain buildings used as places of assembly)	
Paragraph (a) of subsection (1) or any provision of subsection (4) of section 31 (Premises used for storage of paraffin oil to be registered)	£5
Subsection (2) of section 32 (Provision of portable fire-fighting appliances in certain buildings)	
Section 51 (Blasting operations not to be carried out without permit)	£25
Section 55 (Mixing of mortar, etc., in streets)	£25
Section 57 (Power to Corporation to name streets)	£20

Section 65.

SCHEDULE 2

INCREASE OF MAXIMUM PENALTIES FOR OFFENCES AGAINST DUNDEE CORPORATION (CONSOLIDATED POWERS) ORDER, 1957

Section of Order contravened	Description of offence	Old maximum penalty	New maximum penalty (163 (4))
Section 106 ..	Malicious damage to transport undertaking apparatus, vehicles, etc.	£20	£25
Section 129 ..	Unauthorised alterations of openings to streets, etc.	£5 and daily penalty not exceeding 20s.	£25
Section 130 (2)	Encroachments and projections on streets	£5	£25
Section 133 ...	Failure to carry off rainwater from bridges	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5

SCH. 2
—CONT.

Section Order Traversed	Description of offence	Old maximum penalty	New maximum penalty
141	Failure to give notice before commencement of operations in connection with laying out or forming new streets	£5	£25
142	Laying out new streets without approval of Corporation	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
	Not laying out street before commencing building	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
	Failure to pave courts, etc.	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
153 (3)	Offences in respect of grass margins and trees in streets	£5	£25
	Offences in connection with wires and wireless installations	£5	£25
59 (2)	Failure to prevent soil and sand being washed into street	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
	Erecting fences, etc., to a greater height than prescribed	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
	Suspending banners, etc., over streets without authority	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
16 (4)	Offences in respect of direction signs	£5	£25
14 (1)	Damage to street apparatus . .	£10	£25
14 (4)	Offences re repair of chimney stacks, roofs, etc.	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
	Offences re draining of excavations	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
	Offences in connection with deposits of building materials or excavations	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5

SCH. 2
—cont.

Section of Order contravened	Description of offence	Old maximum penalty	New maximum penalty
Section 188 (4)	Offences in connection with streets closed during operations	£5	£25
Section 192 ..	Penalty for introducing ashes, etc., into soil pipes	£5	£25
Section 194 ..	Failure to remove cesspools, etc., after notice	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
Section 196 (3)	Offences in connection with water-closets, etc., attached to places of public entertainment or refreshment	40s. and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
Section 200 (5)	Offences in connection with prevention of lock-up shops, etc., being used for habitation	£5	£25
Section 203 ..	Offences in connection with ventilation and repair, etc., of common stairs, etc.	£5	£25
Section 221 ..	Penalty for opening or injuring sewers	£10	£50
Section 224 (2)	Offences in connection with precautions against pollution	£5 and daily penalty not exceeding £2	£25 and daily penalty not exceeding £5
Section 225 ..	Allowing injurious matter to pass into a sewer or drain	£10 and daily penalty not exceeding £2	£25 and daily penalty not exceeding £5
Section 235 ..	Altering drains, etc., contrary to orders of Corporation	£50	£100
Section 237 (4)	Offences in connection with repairs on drains	£5 and daily penalty not exceeding £2	£25 and daily penalty not exceeding £5
Section 238 (2)	Failure to cover water courses and ditches	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
Section 239 ..	Culverting or covering over of streams	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
Section 244 ..	Offences in connection with erection of stands, etc.	£5 and daily penalty not exceeding 20s.	£25 and daily penalty not exceeding £5
Section 299 ..	Failure to keep burial registers	£50	£100

SCH. 2
—cont.

Section of Order contravened	Description of offence	Old maximum penalty	New maximum penalty
Section 300	Offences in connection with interments	£50 and daily penalty not exceeding £5	£100 and daily penalty not exceeding £10
Section 307	Offences in connection with licensing of pleasure boats	£5	£50
Section 309	Prohibition of placing boats on streets	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
Section 344	Offences in connection with sales elsewhere than in markets	£5	£25
Section 350(2)	Offences in connection with removal of markets from streets, etc.	£5	£25
Section 358	Establishment of meat markets without consent of Corporation	£50 and daily penalty not exceeding £10	£100 and daily penalty not exceeding £20
Section 373	Failure to purify verminous premises and articles	10s. daily	£2 daily
Section 374(2)	Sale of verminous furniture	£5	£25
Section 375	Penalty for keeping premises in insanitary condition	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
Section 376(1)	Offences in connection with offensive substances	£5	£25
Section 378	Offences in connection with pigsties	£10	£25
Section 379	Offences in connection with conveyance of carcasses	£10	£25
Section 402	Failure to prevent leakage of liquids, etc., from vehicles on to street	£5	£25
Section 403	Offences in relation to soot disposal	£5	£25
Section 405(2)	Offences in connection with laying down of dung, etc., on fields, etc.	£5	£25
Section 407(1)	Penalty for wilfully breaking lamps, etc.	£10	£25
Section 411(3)	Offences in connection with lighting of common stairs, etc.	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5

SCH. 2
—cont.

Section of Order contravened	Description of offence	Old maximum penalty	New maximum penalty
Section 417 (4)	Offences in connection with terms of theatre, etc., licence	£100	£150
Section 418 ..	Offences in connection with public shows and other like places	£20 and daily penalty not exceeding £10	£50
Section 420 (2)	Offences in connection with failure to close theatres, etc.	£50 daily	£10
Section 421 ..	Offences in connection with licensing of billiard rooms	£20 and daily penalty not exceeding £10	£25 or penalty not exceeding £10
Section 422 ..	Offences in connection with regulation of hours of play at billiard tables	£20 and daily penalty not exceeding £10	£25 or penalty not exceeding £10
Section 424 (2)	Offences against byelaws regulating billiard rooms, etc.	£20	£25
Section 426 (3), (5) and (6)	Offences in connection with powers of entry and inspection	£10	£25
Section 427 (2)	Offences in connection with regulation of traffic on special occasions	£5	£25
Section 428 (2)	Offences in connection with regulation of driving of cattle	£5	£25
Section 429 (1)	Offences in connection with barriers in streets	£5	£25
Section 431 (2)	Damage, etc., to decorations in streets	£5	£25
Section 460 ..	Offences by brokers	£10	£25
Section 461 ..	Offences in connection with miscellaneous provisions as to brokers	£10	£25
Section 462 ..	Offences by pawnbrokers ..	£10	£25
Section 464 (1)	Begging	£5 or 30 days imprisonment	£25 or 30 days imprisonment
Section 464 (2)	Vagrancy	£5 or 30 days imprisonment	£25 or 30 days imprisonment
Section 467 (1), (2) and (3)	Penalties for miscellaneous offences	£10 or 60 days imprisonment	£25 or 60 days imprisonment

SCH. 2
—cont.

Section of Order (as amended)	Description of offence	Old maximum penalty	New maximum penalty
476	Using any public place for improper purposes	£10 or 60 days imprisonment	£25 or 60 days imprisonment
482(3)	Offences in connection with suppression of brothels	£20 or 60 days imprisonment	£25 or 60 days imprisonment
483(2)	Offences in connection with meetings in rooms becoming a nuisance	£10 or 60 days imprisonment	£25 or 60 days imprisonment
489(2)	Preventing constables entering certain premises	£10	£25
493(3)	Offences in connection with derelict petrol tanks	£5 and daily penalty not exceeding 40s.	£25 and daily penalty not exceeding £5
497(1)	Keeping unregistered place of public refreshment	£5 and daily penalty not exceeding £5	£25 and daily penalty not exceeding £10
499(5)	Preventing authorised officer or constable entering place of public refreshment	£25	£50

SCHEDULE 3

Section 74.

PROVISIONS OF DUNDEE CORPORATION (CONSOLIDATED POWERS) ORDER, 1957, REPEALED

Marginal note or heading	Extent of repeal
Power to Corporation to name streets	The whole section
Notices, plans, etc., of new buildings	The whole section
Approval or disapproval by Corporation	The whole section
No building to be commenced until plans approved	The whole section
New buildings in streets	The whole section
Projecting buildings when taken down to be set back	The whole section
Survey on completion of works	The whole section

SCH. 3
—CONT.

Section, Part or Schedule	Marginal note or heading	Extent of
Section 175	Powers of inspection	The whole
Section 189	Hoardings, etc., to be set up during operations	The whole
Section 198	Means of escape from buildings in case of fire	The whole section
Section 199	Buildings for public amusement, etc.	The whole
Section 204	Penalties relative to buildings, etc.	Subsection (4)
Section 243	Plans of buildings, etc., may be inspected	The whole
Section 256	City engineer may give warrant for minor alterations	The whole
Section 382	Noise nuisance	The whole
Part XXVII	CABS	The whole Part
Section 448	Notice of refusal or revocation of permits	The whole section
Part XXIX	STREET PORTERS	The whole Part
Section 464	Begging vagrancy, etc.	Subsections (3), (5) and (6)
Section 524	Assessment roll to be made up	Subsection (1)
Section 525	Deduction for partial occupation	The whole section
Section 526	Penalty for non-payment	The whole section
Section 573	Definitions for Part XXXVIII of Order	The whole
Section 576	Corporation may provide weighing instruments	The whole section
Section 577	Public weighing instruments	Subsections (1), (3) and (8)
Section 619	Jurisdiction of dean of guild, etc.	The whole section
The Eighth Schedule		The whole Schedule

SCHEDULE 4

AMENDMENTS OF

DUNDEE CORPORATION (CONSOLIDATED POWERS) ORDER, 1957

Amendments

Section

(Interpretation)

For the definition of "broker" there shall be substituted the following definition:—

"broker" means any person who deals by way of trade in second-hand goods, other than—

(a) a person whose sole or principal business is that of a dealer in—

- (i) books; or
- (ii) gramophone records; or
- (iii) motor vehicles and accessories;

or

(iv) goods bona fide forfeited under the Pawnbrokers Act, 1872; and

(b) a wholesale dealer in rags, ropes and non-metallic waste, purchasing only from licensed brokers or in quantities of not less than 10 cwts; "

1872 c. 93.

The following definition shall be inserted before the definition of "footway":—

"footpath" means any way or path (other than a footway) open to be used for pedestrian traffic only; "

and in the definition of "footway" the words "or footpath" shall be omitted.

For subsection (3) there shall be substituted the following subsection:—

"(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Order."

In subsection (1) the word "the" where used before the word "omnibuses" and the words "of the Corporation" shall be omitted.

In subsection (2) the words "for any of the following" to "(c)" inclusive shall be omitted.

For the words "sheriff" and "a sheriff court" where they occur throughout the section there shall be substituted the words "the burgh court" and in subsection (3) for the words "his satisfaction" there shall be substituted the words "the satisfaction of the court".

In subsection (1) (a) for the words "or damages" there shall be substituted the words "damages or defaces".

After "drain" there shall be inserted "waste pipe".

At the end there shall be added the following subsection:—

"(6) Notwithstanding anything in this section the Corporation may, in a case of

Stopping places
omnibuses,
cars, etc.)

(As to damage
street
apparatus, etc.)

Penalty for
depositing ashes,
into soil pipes)
open and
in such places
buildings to be
cleaned or repaired)

SCH. 4
—cont.

Section	Amendments
	<p>emergency (of which they shall be the judges), in relation to any building (except without notice any such works as they have required by notice under subsection of this section, and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the owner of the building as a debt."</p>
233 (Drains, etc., to be kept in good order)	In subsection (3) for the words "during or after" there shall be substituted the words "within such time being not less than or more than seven days as may be specified in"
237 (Repairs on drains)	In subsection (1) for the words "seven days" there shall be substituted the words "such time being not less than one day or more than seven days as may be specified in notices"
	In subsection (4) for the words "for a period of seven days from the service thereof upon" there shall be substituted the words "within the time specified"
263 (Powers as to parks)	<p>In paragraph (h) of subsection (1) the words "(other than exciseable liquor)" shall be omitted and at the end of the said paragraph there shall be added the following words:—</p> <p>" Provided that a person to whom authority has been granted under this paragraph shall not sell any exciseable liquor in any premises without first obtaining the consent in writing of the Corporation which consent shall be given at the sole discretion of the Corporation.</p> <p>At the end of subsection (1) there shall be added the following paragraph:—</p> <p>" (k) They may set apart any portion of any land which is a park or part of a park for use as a caravan site in terms of section 24 of the Caravan Sites and Control of Development Act, 1960."</p>
	<p>Subsection (2) shall be omitted.</p> <p>In subsection (1) (e) after the word "bathing" there shall be inserted the words "water skiing"</p> <p>In subsection (2) for the words "Minister of Transport and Civil Aviation" there shall be substituted the words "Board of Trade"</p> <p>For the word "curator" there shall be substituted the word "director".</p>
303 (Jurisdiction of Corporation over foreshore and beach)	In subsections (1) and (2) for the words "A person" there shall be substituted the words "A person or a body of persons"
322 (Appointment of curator of art galleries and museums)	Subsection (4) shall be omitted.
374 (Prohibition of sale of verminous furniture, etc.)	In subsection (1) after the word "disease" there shall be inserted the words "or in which the medical officer has reasonable grounds for belief that there is or has been a person suffering from an infectious disease"
380 (Information to be furnished in case of infectious disease)	In subsection (1) after the word "disease" there shall be inserted the words "or in which the medical officer has reasonable grounds for belief that there is or has been a person suffering from an infectious disease"

Section	Amendments
(Hairdressers and barbers)	<p>For the words " hairdresser or barber " where they occur in the said section there shall be inserted the words " hairdresser, barber, ear-piercer or tattooist "; and</p> <p>At the end there shall be added the following subsection:—</p> <p>" (10) In the application of the foregoing provisions to ear-piercers and tattooists this section shall not be deemed to have come into operation until 1st January, 1969."</p>
(As to common long houses)	<p>In subsection (1) (a) for the words " such less sum as the Corporation shall " there shall be substituted the words " such greater or lesser sum as the Corporation with the approval of the Secretary of State may ".</p>
(Theatres, etc., to be licensed)	<p>In subsection (1), for paragraph (a) there shall be substituted the following paragraph:—</p> <p>" (a) any premises for the performance of theatrical representations (other than plays within the meaning of the Theatres Act, 1968 c. 54. 1968); "</p> <p>and at the end of paragraphs (b) and (d) respectively there shall be added the words " (other than such plays as aforesaid) ".</p>
(Terms of licence)	<p>Subsection (1) shall be omitted and in subsection (2) after the word " licence " there shall be inserted the words " under this Part of this Order ".</p> <p>Subsection (3) shall be omitted.</p>
(Public shows and other like places) (Byelaws as to theatres, etc.)	<p>In paragraph (a) of subsection (1) after the word " amusement " there shall be inserted the words " licensed under this Part of this Order ".</p>
(Power to close theatres, etc., and suspend licences)	<p>In paragraph (a) of subsection (4) for the word " profit " there shall be substituted the words " private gain ".</p> <p>In subsection (1) after the word " amusement " where first occurring there shall be inserted the words " licensed under this Part of this Order "; and in paragraph (b) after the word " thereof " there shall be inserted " as the case may be granted under this Part of this Order "; and</p> <p>In subsection (2) for the words " to be unlicensed or " there shall be substituted the words " not to be licensed under this Part of this Order or to be "; and for the words " suspending the licence " there shall be substituted the words " suspending the said licence ".</p>
(Regulation of play at public houses, etc.)	<p>In subsection (1) (a) for the words " on any lawful day " there shall be substituted the words " on any day other than Sunday ".</p>
(Regulation of traders)	<p>In place of the words " any article " whenever they occur there shall be substituted the words " any commodity, article ".</p>
	<p>For the words " permit " and " permits " wherever used in the section there shall be substituted the words " licence " and " licences " as the case may be;</p>

SCH. 4
—cont.

Section	Amendments
457 (Forms and conditions of licences)	<p>In subsection (2) the words "shall be in such form" to "the applicant and" inclusive shall be omitted;</p> <p>Subsection (3) shall be omitted; and</p> <p>In subsection (6) the words "For ever permit" to "direct and" inclusive shall be omitted and the word "latter" shall be omitted from before the word "sum" where occurring.</p> <p>Subsections (1) and (2) and in subsection (3) the words "For every such licence" to "direct and" inclusive shall be omitted and the word "latter" shall be omitted from before the word "sum" where last occurring.</p>
461 (Miscellaneous provisions as to brokers)	<p>For paragraph (a) of subsection (1) there shall be substituted the following paragraph:—</p> <p>"(a) shall keep—</p> <p>(i) a book in the form described in the Eleventh Schedule to this Order, enter therein, as soon as reasonable practicable after the transaction recorded, the particulars indicated and in accordance with the directions of that Schedule, and shall make inquiries necessary for that purpose;</p> <p>(ii) any such book for a period of not less than six months after the date of the final transaction entered therein.</p>
467 (Penalties for offences)	<p>In subsection (2) (b) for the words from "person" to the end of the paragraph there shall be substituted the words "dissolute person known thieves or associates of known thieves assemble therein".</p>
468 (Penalties for certain police offences)	<p>In subsection (5) for the words "sections eleven and twelve of the Road Traffic Act 1930 (which relate to reckless or dangerous driving and careless driving of motor vehicles)" there shall be substituted the words "the Road Traffic Act 1960";</p>
1930 c. 43.	<p>In subsection (8) the words "cab or other" shall be omitted;</p>
1960 c. 16.	<p>For subsection (12) there shall be substituted the following subsection:—</p> <p>"(12) (a) (i) drives, rides or propels a wheeled vehicle, or leads, drives or propels any horse or other animal, on a footpath, except for the purpose of crossing a footway at any place provided for that purpose;</p> <p>(ii) drives, rides or propels any wheeled vehicle, or leads, drives or propels any horse or other animal on a footpath;</p> <p>(b) a notice shall be exhibited by the Corporation at every access to a footpath in accordance with sub-paragraph (ii) of the preceding paragraph applies in such characters as the Corporation may determine.</p>

Section

Amendments

such positions as to secure that adequate notice is given to the public of the effect of that paragraph;

- (c) the Corporation may, by resolution, direct that paragraph (a) (ii) of this subsection shall not apply in relation to any footpath specified in such resolution;
- (d) this subsection shall not apply in relation to:—

- (i) the use of a perambulator or invalid carriage (not mechanically propelled); or

- (ii) the use of a cycle by a child under twelve years of age;

- (iii) the wheeling of a cycle across a footway or along a footpath; or

- (iv) the use by or on behalf of the Corporation of any vehicle in connection with the construction, paving, maintenance, sweeping or cleansing of footpaths or footways, or the collection or removal of refuse from footpaths or footways;”

In subsection (13) the words “ and at least one foot six inches from the outer edge of the kerb of the footway ” shall be added at the end of the subsection;

For subsection (16) there shall be substituted the following subsection:—

“(16) (a) Without authority from the owner or occupier writes on, soils, defaces or marks any wall, fence, hoarding, door, gate or building, or affixes or causes to be affixed to any building, or to any wall, fence, door, gate, or hoarding any bill or other notice; or

(b) wilfully breaks, destroys or damages any part of such wall, fence, hoarding, door, gate, or building, or any tree, shrub, seat or other thing.”;

For paragraph (c) of subsection (18) there shall be substituted the following paragraph:—

“(c) In, on or over any street or public place beats or shakes any carpet, rug, mat, bedding, soot-bag, soot-sheet, floor mop or cleaning cloth;” and

In subsection (20) for the words “ women or children ” there shall be substituted the word “ person ”.

In subsection (1) for the words “ on account of ” to the end of the subsection there shall be substituted the words “ for any reasonable cause ”.

SCH. 4
—cont.

Section	Amendments
492 (Watchmen may be placed in charge of shops, etc., left open)	In subsection (1) for the words "put a w in immediate charge thereof" there shall substituted the words "take such reaso steps as he may consider necessary to such premises secure".
496 (Application of penalties)	The words " and shall " to the end shall be omitt
498 (Provisions as to proceedings brought against burgh prosecutor)	In subsection (1) after the words " burgh p tor " where last occurring there shall be insert the words " or the chief constable as the case m be ".
510 (Disposal of surpluses and treatment of deficiencies)	In subsection (2) for " one " there shall be subst tuted " four ".
522 (Imposing of city rates)	At the end there shall be added the follow subsection:— " (5) The city rates shall be deemed to be and payable as at the commencement the year or period respectively in res of which they are imposed but the C poration may appoint such dat quent to the commencement of such or period) as they may from time to determine on or before which pay of the city rates will be accepted
527 (Recovery of city rates)	In subsection (1) (a) for the words " or the port to the end of the paragraph there shall be stituted the words " or the proportion remaining unpaid with the addition of cent. of the sum due and unpaid ";
	In subsection (1) (b) the words " the said p shall be omitted; and
	In subsection (1) (c) the words " the said a penalty " shall be omitted where they c
564 (Power to borrow on promissory notes)	For subsection (1) there shall be substituted following subsection:— " (1) (a) In addition to the modes of borrow authorised by section 260 of the Act 1947, the Corporation may raise money which they are authorised borrow by the issue of promissory n Provided that the amount of promis notes issued under this paragraph and standing at any time shall no £1,000,000. (b) The Corporation may also, for the purp specified in section 258 (2) of th 1947, borrow in any financial ye issue of promissory notes, such an as, together with the amount of pro notes (if any) issued under the the preceding paragraph and at the date of borrowing, shall not ex 20 per cent. of the amount estimated to produced by the city rate and the domes water rate levied in the city during the current financial year."

Section

Amendments

(Watching of
harbour)
FOURTH SCHEDULE

In subsection (2) for "lieutenants" there shall be substituted "superintendents".

FOURTH SCHEDULE

The paragraph beginning with the words "That on the thirty-first day of March" shall be omitted. In the paragraph beginning with the words "May it therefore please your Lordship to grant summary warrant . . ." the words "and penalty foresaid" and "and penalty" shall be omitted where they occur.

The reference to section 443 shall be omitted. After the Tenth Schedule there shall be added the following Schedule:—

"ELEVENTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is 'Miscellaneous provisions as to brokers.')

SCH. 4
—cont.

BROKER'S RECORD BOOK

Date of purchase	Hour of purchase	Name of person from whom purchase is made	Place of abode of person from whom purchase is made	Description of article purchased	Price paid for article	Full name of person to whom article is sold	Full address of person to whom article is sold	Date of sale