

ELIZABETH II



1973 CHAPTER ii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Edinburgh Corporation. [18th April 1973]

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

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the Edinburgh Corporation Order Short title. Confirmation Act 1973.

SCHEDULE

EDINBURGH CORPORATION

Provisional Order to confer further powers on the Corporation of the city of Edinburgh with respect to the local government and administration of the city; and for other purposes.

Whereas the lord provost, magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government and administration of the said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein:

And whereas it is expedient to enact provisions with respect to nuisance arising from certain building operations and the cleansing of buildings:

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

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

1936 c. 52.

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

Short and
collective
titles.

1.—(1) This Order may be cited as the Edinburgh Corporation Order 1973.

(2) This Order and the Edinburgh Corporation Orders 1967 to 1971 may be cited together as the Edinburgh Corporation Orders 1967 to 1973.

Interpretation.

2.—(1) In this Order, unless there is something in the subject or context repugnant to such construction, words and expressions to which meanings are assigned by the Edinburgh Corporation Orders 1967 to 1971 shall have the same respective meanings and—

1947 c. 43.

"Act of 1947" means the Local Government (Scotland) Act 1947;

"Order of 1967" means the Edinburgh Corporation Order 1967.

(2) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Order.

3.—(1) A person shall not carry out any civil engineering or building operations, including works of demolition or cleansing of buildings or structures, unless he takes such precautions as are reasonably practicable to reduce the amount of dust which may be blown or deposited on to a street or on property in the vicinity of the works, either during the carrying out of the operations or in the removal of refuse or material therefrom.

Reduction of dust, etc., from building operations.

(2) Any person acting in contravention of the preceding subsection shall be guilty of an offence.

(3) In this section the expression "dust" includes grit, abrasives and chemicals in solution.

(4) Nothing in this section shall apply to any works to which the provisions of the Public Utilities Street Works Act 1950 apply.

1950 c. 39.

(5) Where any person carries out any such operations as are mentioned in subsection (1) of this section the Corporation may by notice require him within forty-eight hours of the service of the notice to take such steps as are specified in the notice to reduce the amount of dust which may be blown or deposited as aforesaid.

4. Section 629 (Power to enter premises) of the Order of 1967 shall have effect as if references therein to that Order included reference to section 3 (Reduction of dust, etc., from building operations) of this Order.

Power to enter premises.

5. Any person guilty of an offence against this Order shall be liable on summary conviction to a fine not exceeding fifty 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.

Penalties for offences against Order.

6. Any person who aids, abets, counsels, procures or incites any other person to commit an offence against 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.

Penalty for aiding and abetting offences against Order.

7. Where an offence against 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.

Offences by bodies corporate.

Authentication
of notices,
etc.

8. In addition to the modes of authentication of notices, orders, demands, requisitions or other documents authorised by subsection (1) of section 347 of the Act of 1947, as applied to the Corporation by subsection (1) of section 620 (Authentication, service and validity of notices, etc.) of the Order of 1967, it shall be sufficient authentication of any such notice, order, demand, requisition or other document that the name of the officer authorised to serve such notice, order, demand, requisition or other document is affixed thereto in print.

Amendments
and repeals of
Orders of 1967
and 1970.

9.—(1) The Order of 1967 shall have effect as if for subsection (3) of section 523 (General reserve fund) there were substituted the following subsection:—

“(3) This section shall not apply in relation to any reserve, depreciation, renewal, or insurance funds, applicable to the transport undertaking.”

(2) Proviso (ii) to paragraph (b) of subsection (7) of section 265, section 518 and section 525 of, and paragraph 4 of Schedule 10 to, the Order of 1967, and subsection (3) of section 2 of the Edinburgh Corporation Order 1970, are hereby repealed.

Costs of Order.

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

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