



## CHAPTER xxi.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Altrincham Coulsdon and Purley Harrogate Kingston-upon-Thames Oxford and Sunderland. A.D. 1926.

[30th June 1926.]

**W**HEREAS the Minister of Health has made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

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

1. The Orders set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (No. 3) Act 1926. Short title.

A.D. 1926.

SCHEDULE.

URBAN DISTRICT OF ALTRINCHAM.

*Altrincham Order.* *Provisional Order to enable the Urban District Council of Altrincham to put in force the Compulsory Clauses of the Lands Clauses Acts.*

WHEREAS the Urban District Council of Altrincham (hereinafter referred to as "the Council") require to purchase and take the land described in the Schedule hereto as a site for the deposit of house refuse:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 176 of the Public Health Act 1875 and by any other Statutes in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect that is to say:—

*Compulsory powers of purchase.*

1. The Council shall be empowered for the purpose aforesaid to put in force with reference to the land described in the Schedule hereto (subject to the continuance of existing public rights of highway if any) the powers of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of lands otherwise than by agreement or any of them.

*Short title.*

2. This Order may be cited as the *Altrincham Order 1926.*

The SCHEDULE above referred to.

A.D. 1926.

*Altrincham  
Order.*

Parish of ALTRINCHAM Urban District of ALTRINCHAM  
 County of CHESTER.

No on Plan.	Description of Land.	Owners or reputed Owners.	Occupiers or reputed Occupiers.
1	A piece of land containing 3 acres 3 roods 29 perches or thereabouts.	The Executors of the late James Hamilton.	The Executors of the late James Hamilton.
<p>The above-mentioned land is more particularly delineated and coloured pink on a plan in duplicate (being a copy of the deposited plan) sealed with the Official Seal of the Minister of Health and marked "Plan referred to in the Altrincham Order 1926" of which duplicate plan one part is deposited in the Offices of the Minister of Health and the other shall be deposited in the Offices of the Council within fourteen days from the date of this Order.</p>			

Given under the Official Seal of the Minister of Health this Eighteenth day of March One thousand nine hundred and twenty-six.

(L.S.)

H. W. S. FRANCIS  
 Assistant Secretary Ministry of Health.

URBAN DISTRICT OF COULSDON AND PURLEY.

*Provisional Order to enable the Urban District Council of Coulsdon and Purley to put in force the Compulsory Clauses of the Lands Clauses Acts.* *Coulsdon and Purley Order.*

WHEREAS the Urban District Council of Coulsdon and Purley (hereinafter referred to as "the Council") require to purchase and take the lands described in the Schedule hereto for the purposes of the erection of Council offices and a fire station for the said Urban District :

Now therefore the Minister of Health in pursuance of the powers given to him by Section 176 of the Public Health Act 1875 and by any other Statutes in that behalf hereby orders

[Ch. xxi.] *Ministry of Health* [16 & 17 GEO. 5.]  
*Provisional Orders Confirmation (No. 3) Act, 1926.*

A.D. 1926. that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect that is to say :—

*Coulsdon and Purley Order.*

Compulsory powers of purchase.

1. The Council shall be empowered for the purposes aforesaid to put in force with reference to the lands described in the Schedule hereto (subject to the continuance of existing public rights of highway if any) the powers of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of lands otherwise than by agreement or any of them.

Short title.

2. This Order may be cited as the Coulsdon and Purley Order 1926.

The SCHEDULE above referred to.

Parish of COULSDON Urban District of COULSDON AND PURLEY  
 County of SURREY.

No. and Colour on Deposited Plan.	Description of Lands.	Owners or Reputed Owners.
1. Pink -	Vacant land fronting Downlands Road.	British Land Company Limited Sidney Hotson Secretary.
2. Pink -	Vacant land fronting Brighton Road.	James Pearce.

The above-mentioned lands are more particularly delineated on a plan in duplicate (being a copy of the deposited plan) sealed with the Official Seal of the Minister of Health and marked "Plan referred to in the Coulsdon and Purley Order 1926" of which duplicate plan one part is deposited in the Offices of the Minister of Health and the other shall be deposited in the Offices of the Council within fourteen days from the date of this Order.

Given under the Official Seal of the Minister of Health  
 this Twenty-third day of March One thousand nine  
 hundred and twenty-six.

(L.S.)

H. W. S. FRANCIS  
 Assistant Secretary Ministry of Health.

BOROUGH OF HARROGATE.

A.D. 1926.

*Provisional Order for altering certain Local Acts.*

*Harrogate  
Order.*

WHEREAS the Borough of Harrogate (hereinafter referred to as "the Borough") is an urban district of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875;

And whereas there are in force within the Borough the unrepealed provisions of certain local Acts including the Harrogate Waterworks Act 1897 and the Harrogate Corporation (Waterworks Transfer) Act 1897;

And whereas by the said two local Acts the Corporation were authorised to make and maintain certain waterworks and to acquire certain lands for the purposes of their water undertaking;

And whereas by Section 42 of the Harrogate Corporation (Waterworks Transfer) Act 1897 the Corporation were authorised to borrow with the approval of the Local Government Board such moneys as the Corporation might require for the purposes of that Act or otherwise in relation to their water undertaking;

And whereas it is expedient that for the purpose of protecting their waters and waterworks against pollution fouling contamination and injury the Corporation should be empowered to acquire lands within the gathering ground of their water undertaking in addition to the lands authorised to be acquired by the said local Acts;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order to alter or amend the local Acts in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the said local Acts shall be altered so that the following provisions shall have effect viz:—

1. The Corporation may for the purpose of protecting their waters and waterworks against pollution fouling contamination or injury purchase take on lease and acquire by agreement and hold any lands within the gathering ground of their water undertaking situate in the parishes and townships of Haverah Park

Acquisition  
of lands  
for pro-  
tection of  
waterworks.

[Ch. xxi.] *Ministry of Health* [16 & 17 GEO. 5.]  
*Provisional Orders Confirmation (No. 3) Act, 1926.*

A.D. 1926. Pannal Stainburn Lindley Clifton-with-Norwood and Felliscliffe  
— in the County of the West Riding of Yorkshire.

*Harrogate*  
*Order.*  
Limiting  
powers to  
abstract  
water.

2. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them in pursuance of Article 1 of this Order unless the works are authorised by and the lands upon which the same are to be constructed are specified in an Act of Parliament or Provisional Order confirmed by Parliament but nothing in this Article shall prevent the Corporation from constructing and laying down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to impound or take in the said gathering ground from being polluted fouled or contaminated.

Power to  
let lands..

3. The Corporation may let on lease or otherwise any lands acquired by them in pursuance of Article 1 of this Order for such consideration and upon such terms and conditions as the Corporation may think fit.

Power to  
agree as to  
drainage of  
lands &c.

4. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the said gathering ground with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into the reservoirs and works of the Corporation.

Borrowing  
powers of  
Local Act  
made applic-  
able.

5. The purposes of this Order shall be deemed to be purposes of the Harrogate Corporation (Waterworks Transfer) Act 1897 for which the Corporation may with the approval of the Minister of Health borrow money.

Short title.

6. This Order may be cited as the Harrogate Order 1926.

Given under the Official Seal of the Minister of Health  
this Seventeenth day of March One thousand nine  
hundred and twenty-six.

(L.S.)

R. B. CROSS  
Assistant-Secretary Ministry of Health.

BOROUGH OF KINGSTON-UPON-THAMES.

A.D. 1926.

*Provisional Order for altering a Local Act and a  
Confirming Act.*

*Kingston-  
upon-Thames  
Order.*

WHEREAS the Borough of Kingston-upon-Thames (hereinafter referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the Local Authority for the purposes of the Public Health Act 1875 and the unrepealed provisions of the Kingston-upon-Thames Improvement Act 1888 (hereinafter referred to as "the Local Act") as altered by the Kingston-upon-Thames Order 1924 (hereinafter referred to as "the Order of 1924") which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1924 (hereinafter referred to as "the Confirming Act") are in force in the Borough;

And whereas by paragraph (a) of Section 22 of the Local Act the Corporation were empowered to purchase the then unenclosed portion of certain lands in the Borough known as "the Fairfield" lying to the north of the enclosed portion for the purpose of an open space or recreation ground and the Corporation have acquired the said lands for that purpose;

And whereas by Article 1 of the Order of 1924 the Corporation were empowered to use a part of the lands acquired by them as aforesaid for the purpose of their cattle market and for convenient access thereto;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order further to amend the Local Act in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the Local Act shall be further amended as follows:—

1. Notwithstanding anything contained in Section 22 of the Local Act the Corporation shall be entitled to use for the purpose of their cattle market and for convenient access thereto a further part of the lands acquired by them as aforesaid not exceeding three-eighths of an acre in extent and adjoining the easterly boundary of the land appropriated for cattle market purposes under the Order of 1924 Provided that if at any time the said land shall cease to be used for the purpose hereby authorised such land shall again become an open space or recreation ground:

Power to use  
further part  
of Fairfield  
for purposes  
of cattle  
market.

[Ch. xxi.] *Ministry of Health* [16 & 17 GEO. 5.]  
*Provisional Orders Confirmation (No. 3) Act, 1926.*

A.D. 1926.  
—  
*Kingston-  
upon-Thames  
Order.*

Provided further that nothing in this Order shall exonerate the Corporation from any indictment action or proceeding for nuisance in the event of any nuisance being caused or permitted by them on the said land.

Powers not  
to be exer-  
cised until  
further lands  
appropriated.

2. The Corporation shall not exercise the powers of this Order until they have appropriated to the purposes of a public recreation ground further lands in the Borough to the extent of at least three-eighths of an acre.

Short title.

3. This Order may be cited as the Kingston-upon-Thames Order 1926.

Given under the Official Seal of the Minister of Health this  
Twenty-sixth day of March One thousand nine hundred  
and twenty-six.

(L.S.)

E. TUDOR OWEN  
Assistant Secretary Ministry of Health.

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CITY OF OXFORD.

*Oxford Order.*

*Provisional Order for partially repealing a Local Act.*

WHEREAS the City of Oxford (hereinafter referred to as "the City") is an Urban District of which the Mayor Aldermen and Citizens acting by the Council (hereinafter referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875 and there are in force in the City the unrepealed provisions of the Oxford Corporation Act 1890 (hereinafter referred to as "the Local Act");

And whereas by the proviso to Section 113 of the Local Act it is enacted that the amount expended by the Corporation in any one year in connection with the public library of the City shall not exceed one penny in the pound on the rateable value of the City;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order to partially repeal the Local Act in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 303 of the Public Health Act



[16 & 17 GEO. 5.] *Ministry of Health* [Ch. xxi.]  
*Provisional Orders Confirmation (No. 3) Act, 1926.*

1875 and of any other powers in that behalf hereby orders as follows :— A.D. 1926.

1. This Order may be cited as the Oxford Order 1926 and shall have effect as from the first day of April one thousand nine hundred and twenty-six.

*Oxford Order.*  
Short title  
and date of  
operation.

2. The proviso to Section 113 of the Local Act is hereby repealed.

Partial  
repeal of  
section of  
Local Act.

Given under the Official Seal of the Minister of Health this  
Twenty-sixth day of March One thousand nine hundred  
and twenty-six.

(L.S.)

E. TUDOR OWEN  
Assistant Secretary Ministry of Health.

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COUNTY BOROUGH OF SUNDERLAND.

*Provisional Order for partially repealing certain  
Local Acts.*

*Sunderland  
Order.*

WHEREAS the Borough of Sunderland (hereinafter referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875 and there are in force in the Borough the unrepealed provisions of the Borough of Sunderland Act 1851 the Sunderland Extension and Improvement Act 1867 and the Borough of Sunderland Act 1885 (hereinafter referred to collectively as "the Local Acts" and separately as the Acts of the year in which they were passed);

And whereas the Corporation propose to make new byelaws with respect to new streets and buildings and alterations of buildings the subject-matter of which will be cognate to the subject-matter of certain of the provisions of the Local Acts;

And whereas the Corporation have accordingly made application to the Minister of Health for the issue of a Provisional Order partially to repeal the Local Acts in the manner hereinafter set forth :

Now therefore the Minister of Health in pursuance of the powers given to him by Section 303 of the Public Health Act 1875 and of any other powers in that behalf hereby orders as follows :—

1. This Order shall come into operation on the first day of January one thousand nine hundred and twenty-seven or Date of operation.

[Ch. xxi.] *Ministry of Health* [16 & 17 GEO. 5.]  
*Provisional Orders Confirmation (No. 3) Act, 1926.*

A.D. 1926.

*Sunderland  
 Order.*

Repeal of  
 sections of  
 Local Acts.  
 Short title.

on any earlier date on which new byelaws of the Corporation with respect to new streets and buildings shall come into force.

2. The provisions of the Local Acts specified in the Schedule to this Order shall be repealed.

3. This Order may be cited as the Sunderland Order 1926.

The SCHEDULE.

Local Acts.	Sections repealed.
The Act of 1851 -	Section 43 so far as it incorporates Section 109 of the Towns Improvement Clauses Act 1847 which relates to the construction of houses for prevention of fire.
The Act of 1867 -	Section 72 which prescribes the level of the ground floors of new buildings and the height of rooms.
The Act of 1885 -	Section 39 which relates to the height of buildings in new streets. Section 41 which prescribes the level of the ground floors of new buildings and the height of rooms and Section 43 which provides for the granting of certificates of compliance with the building requirements in force within the borough.

Given under the Official Seal of the Minister of Health  
 this Twenty-third day of March One thousand nine  
 hundred and twenty-six.

(I.S.)

H. W. S. FRANCIS  
 Assistant Secretary Ministry of Health.

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## CHAPTER xxii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (General Powers). A.D. 1926.  
[30th June 1926.]

**W**HEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict.  
c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirma-  
tion of  
Order in  
schedule.

2. This Act may be cited as the Edinburgh Corporation (General Powers) Order Confirmation Act 1926. Short title.

[Ch. xxii.] *Edinburgh Corporation* [16 & 17 GEO. 5.]  
(*General Powers*) *Order Confirmation Act, 1926.*

A.D. 1926.

SCHEDULE.

EDINBURGH CORPORATION.

*Provisional Order to authorise the corporation of the city and royal burgh of Edinburgh to construct works and improvements to acquire lands to amend the Edinburgh Municipal and Police Acts to borrow money 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 of the said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein for police public health road sanitary tramway gas water and other purposes :

And whereas it is expedient that the Corporation should be authorised to make construct maintain and use the works and improvements hereinafter in this Order mentioned and to acquire lands for the purposes thereof :

And whereas the following estimates have been prepared by the Corporation for the purposes hereinafter mentioned (that is to say) :—

	£
For and in connection with the works by this Order authorised - - -	51,806
For the purchase of lands - - -	12,695
For tramway equipment cars rolling stock and depôts - - -	235,000
For motor omnibuses - - -	54,000
For the general purposes of the tramway undertaking of the Corporation -	50,000
For the reconstruction of the gasworks of the Corporation for new plant and for the general purposes of the gas undertaking of the Corporation -	275,000

For increasing the carrying capacity of the aqueduct from the waterworks of the Corporation at Talla by duplicating the portions of such aqueduct consisting of cast iron pipe lines for the laying of new mains and for the general purposes of the water undertaking of the Corporation	£	A.D. 1926.
- - -	250,000	—

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

And whereas it is expedient that the Corporation should be authorised to borrow money for the construction of the works authorised by this Order and for the purchase of lands and for the purposes of the tramway gas and water undertakings of the Corporation as hereinafter provided in this Order and should be empowered to levy rates and assessments :

And whereas it is expedient that certain statutory provisions affecting the erection of buildings on the lands belonging to the Corporation known as the Meadows Bruntsfield Links East Princes Street Gardens and West Princes Street Gardens should be amended as hereinafter in this Order provided :

And whereas it is expedient that further powers should be conferred on the Corporation for the control and regulation of street traffic and omnibus stances :

And whereas it is expedient that the Edinburgh Municipal and Police Acts 1879 to 1924 should be amended and that further powers should be conferred on the Corporation as hereinafter in this Order provided :

And whereas plans and sections describing the lines and situations and levels of the works proposed to be authorised by this Order and the lands' houses and other properties which will or may be taken and acquired for the purposes thereof and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands houses and other properties were duly deposited with the sheriff clerk of the county of Midlothian and also with the sheriff clerk of the county of the city of Edinburgh and the same are hereinafter

[Ch. xxii.] *Edinburgh Corporation* [16 & 17 GEO. 5.]  
(*General Powers*) *Order Confirmation Act, 1926.*

A.D. 1926. — respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

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

PART I.

PRELIMINARY.

Short and collective titles.

1. This Order may be cited as the Edinburgh Corporation (General Powers) Order 1926 and the Edinburgh Municipal and Police Acts 1879 to 1924 and this Order and any other Order of the Secretary for Scotland relating to the Corporation confirmed during the present Session of Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 may be cited as the Edinburgh Municipal and Police Acts 1879 to 1926.

Division of Order into Parts.

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

Part I.—Preliminary.

Part II.—Improvements.

Part III.—Amendment of Acts.

Part IV.—Miscellaneous.

Part V.—Borrowing powers and assessments.

Commencement of Order.

3. This Order shall (except as otherwise hereinafter provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Interpretation.

4. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings hereinafter respectively assigned to them (that is to say) :—

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

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

[16 & 17 GEO. 5.] *Edinburgh Corporation* [Ch. xxii.]  
(General Powers) Order Confirmation Act, 1926.

- “ Act of 1913 ” means the Edinburgh Corporation Act 1913; A.D. 1926.
- “ Act of 1920 ” means the Edinburgh Boundaries Extension and Tramways Act 1920;
- “ City ” means the city and royal burgh of Edinburgh as extended by the Act of 1920;
- “ Corporation ” means the lord provost magistrates and council of the city;
- “ Corporation Stock Act ” means the Edinburgh Corporation Stock Act 1894 as amended by the Edinburgh Improvement and Tramways Act 1896 the Edinburgh Corporation Act 1906 and the Order of 1921;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction;
- “ Dock commission ” means the Commissioners for the Harbour and Docks of Leith;
- “ Edinburgh Municipal and Police Acts ” means the Edinburgh Municipal and Police Acts 1879 to 1924 the Corporation Stock Act and this Order;
- “ Loans fund ” means the Edinburgh Corporation Loans Fund established under the provisions of the Corporation Stock Act;
- “ Magistrates ” means the lord provost and bailies of the city;
- “ Order of 1903 ” means the Edinburgh Corporation (Markets Slaughterhouses &c.) Order 1903;
- “ Order of 1916 ” means the Edinburgh Corporation Order 1916;
- “ Order of 1921 ” means the Edinburgh Corporation Order 1921;
- “ Order of 1922 ” means the Edinburgh Corporation Order 1922;
- “ Sheriff ” means the sheriff of the Lothians and Peebles and includes his substitutes or any one of them within the county of Midlothian:

And the words and expressions defined in the Edinburgh Municipal and Police Acts 1879 to 1924 shall if and when used in this Order and when not inconsistent with the above definitions or with any of the provisions of this Order respectively have the same respective meanings as in the said Edinburgh Municipal and Police Acts.

[Ch. xxii.] *Edinburgh Corporation* [16 & 17 GEO. 5.]  
(General Powers) Order Confirmation Act, 1926.

A.D. 1926.

Incorporation of  
Lands  
Clauses  
Acts.

5. The Lands Clauses Acts are subject to the provisions of this Order incorporated with and shall form part of this Order.

PART II.

IMPROVEMENTS.

New works.

6. Subject to the provisions of this Order and to the powers of deviation hereinafter mentioned the Corporation may in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make construct maintain and use the works hereinafter mentioned or some of them or some part or parts thereof together with all necessary and proper works and conveniences connected therewith or incidental thereto respectively (that is to say):—

Work No. 1 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 1) of Lothian Road (east side thereof) commencing at a point in the said road thirty-four yards or thereabouts northwards from the south building line of Castle Terrace thence passing northwards along Lothian Road for a distance of one hundred and forty-six yards or thereabouts and terminating at a point in line with the south kerb of Princes Street:

Work No. 2 A new road wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 2) commencing at a point in the centre of Canning Street thirty-nine yards or thereabouts south-eastwards from the south building line of Shandwick Place thence passing in a north-easterly and south-easterly direction for a distance of fifty-seven yards or thereabouts and terminating in Rutland Square at a point in line with the kerb on the north-west side of the said square:

Work No. 3 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 3) of the two bridges carrying Great Junction Street over the London



A.D. 1926,  
—

and North Eastern Railway and the Water of Leith and the approaches to the said bridges the said work commencing at a point in Great Junction Street opposite the centre line of Ferry Road thence passing south-eastwards for a distance of one hundred and sixteen yards or thereabouts and terminating at a point in the centre of Great Junction Street opposite the centre of Ballantyne Road :

Work No. 4 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 4) of Gorgie Road commencing at a point in the said road forty-six yards or thereabouts north-eastwards from the east side of Balgreen Road passing thence south-westwards along Gorgie Road for a distance of seven hundred and eighteen yards or thereabouts and terminating at a point in the said road one hundred and sixteen yards or thereabouts south-westwards from the centre of Chesser Avenue :

Work No. 5 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 5) of the bridge or bridges carrying Gorgie Road over the Water of Leith and Mill Lade and the approaches to the said bridge or bridges the said work commencing at a point in Gorgie Road one hundred and sixteen yards or thereabouts south-westwards from the centre of Chesser Avenue passing thence south-westwards for a distance of ninety-two yards or thereabouts and terminating at a point in Gorgie Road five yards or thereabouts south-westwards from the south-west abutment of the said bridge or portion of the bridge carrying the said road over the Mill Lade :

Work No. 6 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 6) of Gorgie Road commencing at a point in the said road five yards or thereabouts south-westwards from the south-west abutment of the bridge or portion of the bridge carrying the Gorgie Road over

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(General Powers) Order Confirmation Act, 1926.

A.D. 1926.

the Mill Lade passing thence south-westwards along the said road for a distance of sixty-five yards or thereabouts and terminating at a point in the said road opposite the centre line of the lane leading from Gorgie Road to Saughton Mills :

Work No. 7 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 7) of Craiglockhart Avenue (east side thereof) commencing at a point in the centre of the said avenue fifty yards or thereabouts southwards from the centre of Craiglockhart Loan passing thence southwards along Craiglockhart Avenue for a distance of one hundred and three yards or thereabouts and terminating at a point in the said avenue opposite the centre of Craiglockhart Drive :

Work No. 8 A widening and improvement wholly within the city of Edinburgh and city parish of Edinburgh (Work No. 8) of Marionville Road and Restalrig Road commencing at a point in the centre of Marionville Road opposite the entrance to No. 262 Marionville Road passing thence in a north-easterly and northerly direction along Marionville Road and Restalrig Road for a distance of seventy-eight yards or thereabouts and terminating at a point in the centre of Restalrig Road fifty-six yards or thereabouts north-westwards from the centre of Restalrig Drive.

Power to deviate new works.

7. In the execution of the said works or any of them described in this Part of this Order the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans applicable thereto and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet Provided that no deviation either lateral or vertical shall be made below high-water mark without the consent in writing of the Board of Trade.

Works below high-water mark to be

8.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters

[16 & 17 GEO. 5.] *Edinburgh Corporation* [Ch. xxii.]  
(General Powers) Order Confirmation Act, 1926.

or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

A.D. 1926.

—  
subject to approval of Board of Trade.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

9. If the works described in this Part of this Order and shown on the deposited plans are not completed within five years from the commencement of this Order then on the expiration of that period the powers hereby granted for the execution of the same shall cease except as to so much thereof as is then completed.

Period for completion of works.

10. Sections 20 (Magistrates and council may take down buildings and lay out lands and sell or let those not required) 21 (Power to make subsidiary works &c.) 22 (Alterations of sewers and gas and water pipes) 23 (Alterations consequent on changing levels of streets to be made at expense of magistrates and council) and 26 (Magistrates and council not to be bound to execute all works) of the Act of 1893 and section 30 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works) of the Act of 1913 shall so far as applicable apply mutatis mutandis to the works authorised to be executed by this Order and to the lands authorised to be acquired therefor.

Application of sections of Acts of 1893 and 1913.

11. Subject to the provisions of this Order the Corporation may enter upon purchase take hold appropriate and use the lands houses and property respectively shown on the deposited plans and described in the deposited book of reference or such part or parts thereof as may be required for or in connection with

Lands for works.

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A.D. 1926. — the works authorised by the section of this Order the marginal note whereof is "New works."

Omission or mis-statement in plans or book of reference may be corrected.

12. If there be any omission mis-statement or erroneous description of any lands which may be required or taken for the purposes of this Order or any of them or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission mis-statement or erroneous description arose from accident or mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission and in what respect any such matter is mis-stated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates to be deposited

13. The certificate of the sheriff shall be deposited in the office at Edinburgh of the sheriff clerk of the county of Midlothian and a duplicate thereof shall also be deposited at the office of the sheriff clerk of the county of the city of Edinburgh and such certificate and duplicate shall be kept by such sheriff clerks respectively along with the other documents to which they relate and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Corporation may enter on purchase take hold and use for the purposes of this Order any lands in accordance with such certificate as if such omission mis-statement or erroneous description had not been made.

Limiting period for compulsory purchase of lands.

14. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Stoppage of roads during execution of works.

15. Subject to the provisions of this Order the Corporation may during the execution of the works by this Order authorised stop up temporarily the carriageway or footway of any street road or bridge as may be necessary but not so as to prevent or hinder reasonable access and egress both for vehicular and pedestrian traffic to or from any station or depôt of a railway

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company Provided that the Corporation shall before stopping up any footway under this section provide a temporary substitute therefor with access therefrom to any houses. A.D. 1926.

16. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Power to grant servitudes &c. by agreement.

17. And whereas in the exercise by the Corporation of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the provisions set forth in section 47 (Owners may be required to sell parts only of certain lands and buildings) of the Order of 1916 shall apply and have effect in respect of the properties mentioned in the schedule to this Order. Owners may be required to sell parts only of certain lands and buildings.

18. In order to permit the widening of Lothian Road (Work No. 1 of this Order) to be carried out and maintained the Corporation shall be entitled to enter upon the churchyards or burial grounds and land attached to or adjoining St. John's Episcopal Church and St. Cuthbert's Parish Church and to construct repair maintain or renew in on or over such churchyards or burial grounds and land or part or parts thereof all such works as may be necessary for carrying the said widening into effect including the construction of the pavement of the widened street or some part or parts thereof on piers to be erected in the said churchyards or burial grounds and land so that such pavement shall Provisions as to widening of Lothian Road.

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A.D. 1926. — in whole or in part overhang the said churchyards or burial grounds and land or parts thereof and the lairs therein and the Corporation shall also be entitled to make such further or other alterations on the said churchyards or burial grounds and any memorials vaults or tombstones therein and also upon the stairs steps and accesses leading to the said churches churchyards or burial grounds or any of them as they may deem necessary or proper for the purposes of or incidental to the said street widening Provided that the Corporation shall make compensation to all persons whose property rights or interests shall be taken or prejudicially affected by or in consequence of any of the operations aforesaid as such compensation shall failing agreement be determined in the manner provided in the Lands Clauses Acts Provided further that as regards the lairs or ground enclosed for burials in the said churchyards or burial grounds the Corporation in carrying out the said Work No. 1 shall not remove or cause to be removed the remains of any deceased persons interred therein.

For protection of London and North Eastern Railway Company.

19. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):—

- (1) The Corporation shall not under the powers of this Order take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitudes in under over or upon the lands property and works of the company as may be required for constructing and maintaining Work No. 3 by this Order authorised (hereinafter in this section referred to as "the said work") The Corporation shall not without the previous consent in writing of the company enter upon or interfere with any lands property or works of the company further or otherwise than may be necessary for constructing and maintaining the said work :

- (2) In constructing maintaining and using the said work the Corporation shall carry out the work so as not to injure or interfere with the use of the company's railway for railway traffic either during or after the construction of the said work or cause any interruption to the traffic on such railway : A.D. 1926.
- (3) Before commencing the construction of the said work the Corporation shall submit to the company plans sections working drawings and specifications thereof so far as affecting the property of the company showing the lines and levels and the manner in which the said work is to be constructed for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval :
- (4) The said work so far as affecting the said railway shall be constructed carried on and completed in strict conformity with the plans sections working drawings and specifications so approved or deemed to have been approved by the company or in the event of difference as the same shall have been settled by the arbiter to be appointed as hereinafter in this section provided at the sole risk and cost of the Corporation and under the supervision (if given) and to the reasonable satisfaction of the company and the said work shall be maintained repaired or renewed by the Corporation on the lines and levels shown on the said plans sections and working drawings and as described in the said specifications at their sole risk and cost and under the supervision (if given) and to the reasonable satisfaction of the company :
- (5) If having regard to the proposed position of the said work when considered in relation to the position of the works of the company at any point where electric telegraphic telephonic or signalling apparatus belonging to or maintainable by the company is situated on over

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or under the said railway it is advisable in the opinion of the company that such apparatus should be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works as certified by their engineer shall be borne by the Corporation :

- (6) The Corporation shall not in the construction alteration maintenance renewal or use of the said work render less convenient the access to any station depôt or other work or property of the company :
- (7) Any works which the Corporation may desire to have carried out in so far as they may affect or interfere with the works or property of the company shall if the company so require be executed by the company at the reasonable expense of the Corporation but the company shall not be entitled to carry out any works at the expense of the Corporation unless the Corporation shall have previously approved of the plans and specifications thereof and of an estimate of cost If the company intend so to execute such works they shall give to the Corporation notice of their intention and shall commence execute and complete the said works with all reasonable despatch Provided that unless the company give the said notice to the Corporation within twenty-one days after receiving from the Corporation the plans sections and specifications hereinbefore prescribed the Corporation may in accordance with such plans sections and specifications and under such supervision as aforesaid themselves proceed to execute the works :
- (8) If the company shall hereafter require to widen or alter their railway where it will be crossed by the bridge carrying Great Junction Street over their railway the Corporation shall afford to the company all reasonable and proper facilities for doing so consistent with due provision being made for the continuance of the traffic across such bridge and the Corporation shall pay to the company any additional cost to



which they may be put on account of the existence of the said work : A.D. 1926.

(9) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason of the execution alteration or failure of the said work or by reason of any act or omission of the Corporation or their contractors or of any person in the employ of either of them and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :

(10) The Corporation shall on demand pay to the company the reasonable expense incurred by the company of and in connection with the supervision by their engineer of the said work and of and in connection with the employment by the company during the execution alteration repair or renewal by the Corporation under this Order of any work affecting the company's railway or other work belonging to the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for preventing any interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them :

(11) Any question or difference between the Corporation and the company arising under this section (not herein left to the decision of the engineer of the company) shall be referred to and determined by an arbiter to be appointed failing agreement by the sheriff.

20. For the protection of the dock commission the following provisions shall notwithstanding anything in this Order contained or shown upon the deposited plans and sections unless otherwise agreed in writing between the Corporation and the dock commission apply and have effect (that is to say) :—

For protection of  
Leith Dock  
Commission.

(1) Before commencing the construction of Work No. 3 by this Order authorised (in this section

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referred to as "the said work") the Corporation shall submit to the dock commission for their reasonable approval plans sections working drawings and specifications thereof so far as affecting the dock commission showing (1) the lines and levels of the said work and the mode of constructing the same (2) the means to be employed by the Corporation during the construction of the said work for protecting the property of the dock commission and for securing the safe and proper passage of vessels under the said work and (3) reasonably adequate provisions for restoring any property of the dock commission removed or interfered with by the construction of the said work and if the dock commission do not within forty-two days after the receipt of the said plans sections working drawings and specifications intimate in writing to the Corporation their approval or disapproval of the same the Corporation may proceed to carry out the said work in accordance therewith but if the dock commission shall disapprove of any part of the said plans sections working drawings and specifications the same shall failing adjustment thereof to the reasonable satisfaction of the dock commission be referred to arbitration as hereinafter in this section provided :

- (2) The said work so far as affecting the dock commission shall be constructed carried out and completed as rapidly as possible by the Corporation in strict conformity with the said plans sections working drawings and specifications at the sole risk and cost of the Corporation under the supervision (if given) of the dock commission :
- (3) The Corporation shall pay to the dock commission the reasonable costs charges and expenses which the dock commission may incur in connection with or consequent upon the construction carrying out or completion of the said work and any reasonable expenses which the dock commission may incur for such supervision as aforesaid :

- (4) While the said work is in progress the Corporation shall take all necessary and proper measures for placing and maintaining lights buoys and other marks upon or near to the piers of the bridge over the Water of Leith referred to in the description of the said work and upon or near any temporary erections or appliances which they may place in or above the waterway of the Water of Leith and for giving to the dock commission due notice of any risk of damage to their property which may be occasioned by the works or operations of the Corporation or any obstruction danger or interruption which may be so occasioned to the free passage of vessels approaching or passing under or near to the said bridge or near to the said work and for efficiently lighting the arches or passages thereunder :
- (5) The Corporation shall indemnify free and relieve the dock commission from all demands and claims for loss or damage arising out of or in connection with the said work or the carrying out thereof :
- (6) On completion and opening for traffic of the said work the structure of the bridge carrying Great Junction Street over the Water of Leith or the Harbour of Leith along with the roadway over and the approaches to the said bridge as widened under the provisions of this Order shall by virtue of this Order and without any price paid be transferred to and be vested in the Corporation without prejudice to the rights of port and harbour vested in the dock commission or to their rights property and interests in the bed or banks of the Water of Leith or the Harbour of Leith adjacent or subjacent to the said bridge and in the ground on which the structure of the said bridge and the approaches thereto rest and thereafter the Corporation shall repair maintain and renew the said work and structure and roadway thereover and approaches thereto and the dock commission shall be freed from all obligations now incumbent on them for the repair maintenance and renewal of the same

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or any part thereof. Provided that in repairing maintaining and renewing the same or any part thereof the Corporation shall take such precautions as the dock commission may reasonably require to prevent any interference with the rights property or interests of the dock commission or with the free use and navigation of the Water of Leith or the Harbour of Leith and the dock commission shall grant to the Corporation all reasonable facilities over their property for carrying out such repair maintenance and renewal of the said work and structure and roadway thereover and approaches thereto or any part thereof:

- (7) The Corporation shall not except with the consent of the dock commission take or acquire by compulsion under the powers of this Order any lands or property of the dock commission but the Corporation may purchase and the dock commission shall sell if required by the Corporation such servitudes in under over or upon the lands or property of the dock commission as may be required for constructing and maintaining the said work provided that no such servitude shall be of a nature detrimental to the exercise of the rights of port and harbour vested in the dock commission. The Corporation shall not without the previous consent in writing of the dock commission enter upon or interfere with any lands or property of the dock commission further or otherwise than may be necessary for constructing and maintaining the said work:
- (8) Nothing contained in this Order shall be held to recognise except as between the Corporation and the dock commission or to confirm any right title or claim of the dock commission to the foreshore or bed of the Water of Leith but the right and title to such foreshore or bed shall remain in the same state as if this Order had not been made:
- (9) Any question or difference which may arise between the dock commission and the Corporation under this section shall be referred to an

arbitrator to be mutually agreed upon or failing agreement to be appointed by the sheriff on the application of either party. A.D. 1926.

21. Nothing in this Order shall in any way authorise or empower the Corporation to diminish divert obstruct or in any way interfere with the water in the dam leading to Gorgie Mills or to enter upon or interfere with such dam further or otherwise than may be necessary for constructing and maintaining Work No. 4 by this Order authorised. For protection of Gorgie Mill Dam.

### PART III.

#### AMENDMENT OF ACTS.

22. Where in making up the assessment rolls for the purposes of the burgh assessments under the provisions of the Edinburgh Municipal and Police Acts it is necessary to apportion the annual rent or value of any subjects as entered in the valuation roll as between different parts of such subjects such apportionment shall be made by the burgh assessor. Provided that it shall be competent to any person considering himself aggrieved by any such apportionment to complain to the sheriff such complaint being made in the form of a petition subscribed by the complainer and the decision of the sheriff shall be final. Assessment rolls: apportionment of annual value.

23.—(1) After the fifteenth day of May one thousand nine hundred and twenty-seven section 66 (Expenses to be estimated) of the Act of 1879 shall be read and construed as if the heads of estimate therein mentioned were reduced from five to three to the intent and effect that the heads of estimate shall be arranged according as the expenditure for the purposes of the Edinburgh Municipal and Police Acts falling under such heads respectively is payable wholly by the occupier or wholly by the owner or one half by the occupier and one half by the owner and in place of the five heads of estimate mentioned in the said section the heads of estimate shall be as follows (that is to say):— Amend-ment of provisions as to estimates of expenditure.

(a) The first head of estimate shall consist of the expenditure payable wholly by the occupier referred to in the first head of estimate of the said section;

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(b) The second head of estimate shall consist of the expenditure payable wholly by the owner referred to in the fourth head of estimate of the said section; and

(c) The third head of estimate shall consist of the expenditure payable one half by the occupier and one half by the owner referred to in the second and third heads of estimate of the said section :

Provided that the expenditure required to be defrayed out of the burgh assessments for carrying out the provisions of Public General Acts or Local Acts in operation in the city for the time being shall fall under one or other of the three foregoing heads of estimate according as such Acts provide for the expenditure being payable wholly by the owner or wholly by the occupier or one half by the owner and one half by the occupier.

(2) After the fifteenth day of May one thousand nine hundred and twenty-seven references to any of the heads of estimate mentioned in the said section 66 of the Act of 1879 in any Act order deed or other document shall be construed as references to the appropriate head of estimate set forth in this section.

Amendment  
of section 54  
of Act of  
1920.

24. Notwithstanding any provision to the contrary contained in section 54 (As to agricultural or pasture lands) of the Act of 1920 it shall be necessary to obtain a warrant from the Dean of Guild Court of the city for the erection or alteration of the structure of any dwelling-house or building intended for human habitation on any agricultural subjects as defined in the said section and the powers and jurisdiction of the Dean of Guild Court shall extend to such dwelling-house or building.

Penalties  
for contra-  
vention of  
byelaws for  
prevention  
of waste of  
water.

25. After the commencement of this Order section 54 (Byelaws for preventing waste of water) of the Edinburgh Corporation Water Order 1924 shall be read and construed as if the following new subsection were added to the said section (that is to say):—

“(7) The Corporation may by any byelaws made by  
“ them under this Order impose on offenders  
“ against the same such reasonable penalties as  
“ they think fit not exceeding five pounds for  
“ each offence and in the case of a continuing

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“ offence a further penalty not exceeding forty shillings for each day during which the offence continues after conviction thereof.” A.D. 1926.  
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26. Whereas the assessments for the costs and expenses incurred in connection with the valuation of lands registration of voters and election of councillors have hitherto been levied in the city on the basis of the actual expenditure incurred in the year previous to the assessment and it is expedient that such assessments should after the fifteenth day of May one thousand nine hundred and twenty-seven be levied on the basis of the expenditure estimated to be incurred in the year of assessment Be it enacted that after the fifteenth day of May one thousand nine hundred and twenty-seven the assessments for such costs and expenses shall be levied upon the basis of an estimate of the expenditure for such purposes made up in accordance with the provisions of section 66 (Expenses to be estimated) of the Act of 1879 as amended by this Order Provided that the costs and expenses for such purposes defrayed by the Corporation during the year ending the fifteenth day of May one thousand nine hundred and twenty-seven shall not be met in full out of the burgh assessments to be levied during the succeeding year but shall be spread over such a number of years not exceeding ten as the Corporation may determine and the Corporation may borrow and re-borrow such sums of money as may be required for this purpose.

Accounts and estimates for expenditure for valuation of lands &c.

PART IV.

MISCELLANEOUS.

27. In addition to the powers of the Corporation to make byelaws for the regulation of the slaughterhouses at Gorgie under the provisions of the Order of 1903 it shall be lawful for the Corporation from time to time to make such byelaws as they shall think necessary for the regulation of any slaughterhouses of the Corporation wherever situated and the business and use thereof and of the conduct of persons resorting thereto or carrying on business or employed therein and may impose penalties for breach or contravention of any such laws not exceeding five pounds for each offence or the Corporation may amend the byelaws applicable to the slaughterhouses at Gorgie

Byelaws for regulation of slaughterhouses.

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or provide in any byelaws applicable thereto that the same shall extend and apply not only to the said slaughterhouses at Gorgie but also to any other slaughterhouses of the Corporation wherever situated. Provided that any byelaws made by the Corporation under the provisions of this section shall be subject to confirmation by the sheriff in the same manner as if they had been made under the Act of 1879 and shall otherwise be subject to the provisions of the Act of 1879 relating to byelaws.

Regulations  
for con-  
trolling  
traffic.

28.—(1) The magistrates may from time to time make regulations prescribing within the central areas defined in subsection (13) of this section:—

(a) The streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;

(b) The streets along which vehicular traffic shall pass in one specified direction only;

(c) The places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulations made under paragraphs (a) or (b) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central areas whilst so engaged.

(2) The magistrates may also from time to time make regulations prescribing within the city:—

(a) The stances which may be occupied exclusively by omnibuses generally or by omnibuses of any particular class or used on any particular route or running according to a published timetable; and

(b) The time during which any omnibus shall be allowed to remain at any one stance.

On the first coming into force of regulations made by the magistrates under paragraph (a) of this subsection any byelaws made by the Corporation under section 65 (Regulation of tramway cars &c.) of the Edinburgh Municipal and Police (Amendment) Act 1891 so far as such byelaws relate to the places at which omnibuses shall stand and the times of starting the same shall become and be annulled and thereafter the Corporation



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shall not have power to make bye-laws under the said section 65 of the said Act in relation to the matters aforesaid. A.D. 1926.

(3) Before any regulations made under this section shall come into force the magistrates shall submit the same to the Minister for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the city and in the *Edinburgh Gazette* and in such other manner (if any) as the Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(4) The Minister shall consider any regulations submitted to him by the magistrates and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(5) Before approving any regulations the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the *Ministry of Transport Act 1919* and the Corporation shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the Minister for the services of such person.

(6) The magistrates shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(7) The regulations shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

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(8) The magistrates shall cause notice to be given of all regulations approved under this section by advertisement in a local newspaper circulating in the city and otherwise in such manner as may be prescribed by the Minister.

(9) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(10) Any person who shall wilfully contravene any regulations made and approved under this section shall be liable to a penalty not exceeding forty shillings.

(11) No regulation shall be made under this section with respect to any street or part of a street vested in or maintained by the dock commission nor shall any regulation be made which will cause any unnecessary interference with or render less convenient the facilities of the Port of Leith as defined in the Leith Harbour and Docks Acts 1875 to 1925 or any access to or egress from the said port or any station hotel or depôt of a railway company and in the event of any difference arising between the magistrates and the dock commission or any railway company (either before or after approval by the Minister of any regulation under this section) as to whether or not any provision or provisions thereof are made in contravention of the provisions of this subsection such difference shall be determined by the Minister on the application of either party after notice in writing to the other.

(12) Nothing in this section shall empower the magistrates to fix any stance for omnibuses in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard or on any property vested in or on any street maintained or partly maintained by the dock commission without the consent of such commission.

(13) In this section:—

(a) The central areas mean—

(i) That portion of the city comprised in a radius of one mile and a half from the Market Cross; and

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(ii) That portion of the city comprised in a radius of one mile from the foot of Leith Walk ; A.D. 1926.

(b) "Stance" means a place where omnibuses may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same ;

(c) "The Minister" means the Minister of Transport ;

(d) "Specified" means specified in any regulations made or approved under this section.

29. The Corporation are hereby authorised to uplift the sum of one hundred and twenty pounds fifteen shillings and eleven pence being the amount of unclaimed annuities standing at the credit of the annuities account of the Edinburgh and District Water Trust kept with the Royal Bank of Scotland and to use the same for the purposes of the water undertaking of the Corporation. Provided that in the event of such annuities or any part thereof being claimed by any person legally entitled thereto the Corporation may on being satisfied as to his legal title pay over to such person any such annuities or any part thereof without interest thereon or may require the claim to be established. Provided further that the liability of the Corporation shall not exceed in the whole the said sum of one hundred and twenty pounds fifteen shillings and eleven pence. Power to uplift water annuities.

30. The Corporation are hereby authorised to uplift :— Power to uplift certain moneys for the common good account.

(1) The sum of three hundred and thirty-nine pounds twelve shillings being the amount of unclaimed annuities standing at the credit of the city of Edinburgh annuity or coupon account with the Bank of Scotland ; and

(2) The sum of four hundred and sixty-six pounds thirteen shillings and five pence being the balance unclaimed of the moneys deposited with the Royal Bank of Scotland under the provisions of section 56 (Provisions for carrying out redemption of annuities) of the Edinburgh Corporation Stock Act 1894 for the redemption of the city debt annuities created under the provisions of the Act 1 and 2 Vic. cap. 55 together with the interest accrued thereon :

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A.D. 1926. And the Corporation are further hereby authorised to use the moneys so. to be uplifted for the purposes of their common good account Provided that in the event of any of such moneys being claimed by any person legally entitled thereto the Corporation may on being satisfied as to his legal title pay over to such person any such moneys without interest thereon or may require the claim to be established Provided further that the liability of the Corporation shall not exceed the total amount of the moneys uplifted under the authority of this section.

Power to erect certain buildings in meadows &c.

31.—(1) Notwithstanding anything to the contrary contained in the following statutes (namely) 56 Geo. III. cap. XLI. 7 and 8 Geo. IV. cap. LXXVI. and 1 and 2 William IV. cap. XLV. or in any other Act of Parliament the Corporation may from time to time provide erect and maintain on the following lands belonging to the Corporation or any of them namely the lands known as the Meadows Bruntfield Links East Princes Street Gardens and West Princes Street Gardens lavatories conveniences shelters band-stands or other buildings of a like nature.

(2) Section 65 (Erection of lavatories &c. in Princes Street Gardens) of the Order of 1922 shall be and the same is hereby repealed.

Lost property found in tramway cars.

32. Any property found in any carriage used on any of the tramways for the time being belonging to the Corporation may forthwith be delivered by the finder thereof to the conductor of such carriage and shall be taken by such conductor to the head office of the tramway department and if such property be not claimed by the owner thereof within six months after the finding thereof it may be sold by the Corporation and the proceeds thereof applied in such manner as they shall appoint.

Execution of deeds.

33. All deeds contracts and writs of importance requiring to be executed by the Corporation may be signed at a meeting of the Corporation by (1) the lord provost or other magistrate or councillor presiding or any councillor appointed by the Corporation for that purpose and (2) the town clerk or any other officer appointed by the Corporation for that purpose Provided that if any such deed contract or writ exceeds one page

it shall be deemed to be duly executed by the Corporation if it is signed on the last page only by the lord provost or other magistrate or councillor and if it is signed on each page (including any annexation or plan relative thereto) by the town clerk or other officer. Provided further that this section shall not apply to mortgages which shall continue to be executed in the manner provided in section 18 (Execution of mortgages) of the Order of 1921.

A.D. 1926.

34. Except with regard to prosecutions and proceedings under section 54 (Byelaws for preventing waste of water) of the Edinburgh Corporation Water Order 1924 as amended by this Order all prosecutions and proceedings under this Order or under any byelaw made under the authority of this Order may proceed and be conducted under and in conformity with the provisions of the Edinburgh Municipal and Police Acts and the Summary Jurisdiction (Scotland) Acts and shall be at the instance of the prosecutor before the judge of police.

Prosecu-  
tions in  
police  
court.

35. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown  
rights.

## PART V.

### BORROWING POWERS AND ASSESSMENTS.

36. The Corporation are hereby authorised to borrow money for executing the works authorised by the section of this Order the marginal note of which is "New works" and for the acquisition of lands and heritages servitudes and other property which may be required for the purposes of that section and the provisions of the

Borrowing  
for new  
works &c.

[Ch. xxii.] *Edinburgh Corporation* [16 & 17 GEO. 5.]  
(*General Powers*) *Order Confirmation Act*, 1926.

A.D. 1926. Edinburgh Municipal and Police Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund shall apply to the money to be borrowed under the provisions of this section.

Borrowing  
for tramway  
purposes.

37.—(1) In addition to any money which the Corporation have borrowed for tramway purposes the Corporation under the authority of this Order may borrow sums of money as follows:—

- (a) For the purchase of cars and rolling stock for the provision of plant and for the provision and reconstruction of sheds or depôts for the housing of tramway cars or motor omnibuses the sum of two hundred and thirty-five thousand pounds:
- (b) For the purchase of motor omnibuses the sum of fifty-four thousand pounds:
- (c) For the general purposes of the tramway undertaking the sum of fifty thousand pounds.

(2) The Corporation shall annually out of the revenues of the tramway undertaking set apart as sinking fund and pay into the loans fund a sum equal to not less than one-thirtieth part of any sums which may be borrowed under the provisions of paragraphs (a) and (c) of subsection (1) of this section.

(3) The Corporation shall annually out of the revenues of the tramway undertaking set apart as sinking fund and pay into the loans fund a sum equal to not less than one-eighth part of any sums which may be borrowed under the provisions of paragraph (b) of subsection (1) of this section.

(4) The provisions of the Edinburgh Municipal and Police Acts in respect of moneys borrowed and to be borrowed and the security therefor shall apply to the money to be borrowed under the provisions of this section.

(5) The Corporation shall provide annually from the revenues of their tramway undertaking a sum adequate to meet depreciation until the moneys borrowed under the provisions of this section have been redeemed through the operation of the sinking fund.

[16 & 17 GEO. 5.] *Edinburgh Corporation* [Ch. xxii.]  
(General Powers) Order Confirmation Act, 1926.

38.—(1) In addition to any money which the Corporation have borrowed for the purposes of their gas undertaking the Corporation under the authority of this Order may borrow for the purposes of the reconstruction of the gasworks of the Corporation the provision of new plant and the general purposes of the gas undertaking the sum of two hundred and seventy-five thousand pounds.

A.D. 1926.  
—  
Borrowing  
for gas  
under-  
taking.

(2) The Corporation shall annually out of the revenues of the gas undertaking set apart as sinking fund and pay into the loans fund a sum equal to not less than one-thirtieth part of any sums that may be borrowed under the authority of this section.

(3) The provisions of the Edinburgh Municipal and Police Acts in respect of moneys borrowed and to be borrowed and the security therefor shall apply to the money to be borrowed under the provisions of this section.

39.—(1) In addition to any money which the Corporation have borrowed for the purposes of their water undertaking the Corporation under the authority of this Order may borrow for the purposes of increasing the carrying capacity of the aqueduct from the waterworks of the Corporation at Talla by duplicating the portions of such aqueduct consisting of cast-iron pipe lines for the laying of new mains and for the general purposes of the water undertaking the sum of two hundred and fifty thousand pounds.

Borrowing  
for water  
under-  
taking.

(2) The Corporation shall annually out of the revenues of the water undertaking set apart as sinking fund and pay into the loans fund a sum equal to not less than one-fortieth part of any sums that may be borrowed under the authority of this section.

(3) The provisions of the Edinburgh Municipal and Police Acts in respect of moneys borrowed and to be borrowed and the security therefor shall apply to the money to be borrowed under the provisions of this section.

40.—(1) The expenses incurred by the Corporation in the execution of the Housing (Scotland) Act 1925 and the Town Planning (Scotland) Act 1925 shall be defrayed out of the burgh assessments and shall fall under the third head of estimate referred to in the

Assessments  
and borrow-  
ing for  
housing &c.

[Ch. xxii.] *Edinburgh Corporation* [16 & 17 GEO. 5.]  
(*General Powers*) *Order Confirmation Act, 1926.*

A.D. 1926.

section of this Order of which the marginal note is "Amendment of provisions as to estimates of expenditure."

(2) The moneys borrowed by the Corporation under the provisions and for the purposes of the Housing (Scotland) Act 1925 and the Town Planning (Scotland) Act 1925 shall have the same charge and security as stock issued under the Corporation Stock Act and the provisions of the Edinburgh Municipal and Police Acts with respect to the borrowing of money shall apply to the moneys so borrowed.

Application  
of assess-  
ments.

41. The assessments appropriate to any of the purposes of this Order authorised by the Edinburgh Municipal and Police Acts shall extend and apply to the money which the Corporation are by this Order authorised to borrow and to any expenditure incurred by the Corporation under the provisions of this Order.

Expenses of  
Order.

42. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Corporation out of moneys borrowed or assessments imposed by the Corporation under the powers of this Order and if paid out of borrowed money shall be repaid within five years from the commencement of this Order.



[16 & 17 GEO. 5.] *Edinburgh Corporation* [Ch. xxii.]  
*(General Powers) Order Confirmation Act, 1926.*

The SCHEDULE referred to in the foregoing Order. A.D. 1926.

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(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain lands and buildings.")

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN  
 WITHOUT TAKING THE WHOLE.

City and Parish.	Numbers on deposited Plans.
City and royal burgh of Edin- burgh and city parish of Edin- burgh	1 1 1 1 2 2 2 3 3 3 3 3 6 6 6 7 7 7 8 8 8 9 9 9 10 11 11 12 13 14 14 15 16 17 17 18 29 30 30 32 33 33 34 34 34 35 35 36 36 37 37 38 39 40 41 42 43 44 45 46 46 47 47 50 52 52 52 52 53 54 54 55 55 56 57 58 58 58 58 59 60 60 60 60 62 63 64 65 66 66 67 67 68 70 71 71 71 72 72A 74 75 76 77 78 78.

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