



## CHAPTER xviii.

An Act to confirm a Provisional Order under the  
 Private Legislation Procedure (Scotland) Act  
 1899 relating to Dundee Corporation.

A.D. 1929.

[26th July 1929.]

**W**HEREAS the Provisional Order set forth in the  
 schedule hereunto annexed has after inquiry held  
 before Commissioners been made by one of His Majesty's  
 Principal Secretaries of State under the provisions of the  
 Private Legislation Procedure (Scotland) Act 1899 as  
 read with the Secretaries of State Act 1926 and it is  
 requisite that the said Order should be confirmed by  
 Parliament :

62 & 63 Vict.  
 c. 47.  
 16 & 17  
 Geo. 5. c. 18.

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 Dundee Corporation  
 Order Confirmation Act 1929.

Short title.

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SCHEDULE.

DUNDEE CORPORATION.

*Provisional Order to authorise the Dundee Corporation to borrow money for the purpose of their omnibus undertaking to extend the Corporation's power to run omnibuses and for other purposes.*

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Dundee (hereinafter called "the Corporation" and "the city" respectively) are vested with the municipal and police administration thereof and are the local authority within the city under the Public Health (Scotland) Act 1897 :

And whereas under the Dundee Corporation Order 1927 (hereinafter called "the Order of 1927") the Corporation are authorised to provide maintain and run omnibuses within the city and by the said Order the Corporation were empowered to borrow the sum of twenty-five thousand pounds for the provision of such omnibuses the whole of which sum has been borrowed :

And whereas it is necessary to purchase further omnibuses and further borrowing powers are required for that purpose :

And whereas the service of cars run by the Dundee Broughty Ferry and District Tramways Company (hereinafter called "the company") is insufficient and it is therefore necessary that the Corporation should have power in conjunction with the company to run omnibuses along the route at present served by the tramways of the Corporation and the company and for that purpose that subsection (1) of section 21 (For protection of Dundee Broughty Ferry and District Tramways Company) of the Order of 1927 should be repealed and that subsection (2) thereof should be amended :

And whereas it would be of public and local advantage that the further powers and provisions hereinafter in this Order contained should be enacted :

And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

	£
For the provision of omnibuses	- 25,000

And whereas the provision of such omnibuses is a permanent work and it is expedient that the cost thereof should be spread over a period of years :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred on the Corporation and made as by this Order provided :

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited for all purposes as the Dundee Corporation Order 1929.

Short title  
and citation  
of Acts.

The Dundee Corporation Acts 1871 to 1927 and this Order may be cited together as the Dundee Corporation Acts 1871 to 1929.

2. In this Order terms words and expressions to which meanings are assigned by the Dundee Police and Improvement Consolidation Act 1882 or the Tramways Acts or by the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Further in this Order the following expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

Interpre-  
tation.

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

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

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“ Company ” means the Dundee Broughty Ferry and District Tramways Company;

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

“ The Order of 1926 ” means the Dundee Corporation Order 1926;

“ The Order of 1927 ” means the Dundee Corporation Order 1927;

“ Omnibus ” shall have the meaning assigned to that expression in section 14 of the Roads Act 1920;

“ The specified route ” means the route between the High Street of Dundee and High Street Monifieth at present served by the tramways of the Corporation and the Company with the alternative between the High Street of Dundee and the top of Market Street by way of Commercial Street Dock Street East Dock Street and Market Street and also with the alternative between the south end of Strips of Craigie Road and the west end of Queen Street Broughty Ferry by way of Dundee Road and West Queen Street;

“ The Minister ” means the Minister of Transport;

“ The commencement of this Order ” means the date of the passing of the Act confirming this Order.

Power to  
 borrow or  
 raise addi-  
 tional  
 moneys.

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

(a) In respect of omnibuses the sum of twenty-five thousand pounds and with the sanction of and subject to the conditions as to period of repayment and otherwise prescribed by the Secretary of State after consultation with the Minister such further sums as may be requisite for omnibus purposes;

(b) In respect of the costs charges and expenses of and incident to the preparing and applying

for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto such sum as may be necessary.

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(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received by them on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time. Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original advance and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

4. Part V (Estimates and assessments) and Part XXXVII (Borrowing and raising of money) of the Act of 1882 and the provisions of the Order of 1926 shall except as otherwise by this Order provided extend and apply to this Order in the same way and to the same effect as if the purposes of this Order were purposes of the said Act and Order :

Certain provisions of former Act and Order as to borrowing to apply.

Provided that as regards any money borrowed for omnibus purposes in virtue of this Order the free annual revenue from the common good of the city after deduction of the interest of the debt which the city may owe and the usual annual outgoings of the city shall be charged along with the assessments authorised by the said Act and this Order with the money borrowed for the purposes aforesaid and that the said free annual revenue after deduction as aforesaid shall be primarily liable therefor :

Provided that section 321 (Repayment of money borrowed other than that now due by instalments of sinking fund in sixty years) of the Act of 1882 in its application to all moneys to be borrowed or raised under the powers of this Order for omnibus purposes shall be read and have effect as if the period of repayment thereof were eight years from the borrowing or raising thereof instead of sixty years as mentioned in the said section.

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Repeal and  
amendment  
of section 21  
of Order of  
1927.

5. Subsection (1) of section 21 (For protection of Dundee Broughty Ferry and District Tramways Company) of the Order of 1927 is hereby repealed and subsection (2) thereof shall be read and have effect as if the words "without the consent of the Dundee Broughty Ferry and District Tramways Company" were inserted after the words "shall not" in line four thereof.

Joint  
service of  
omnibuses  
over speci-  
fied route.

6. The Corporation may in conjunction with the company and in order to supplement the tramway service provide and run a joint service of omnibuses along the specified route or any part thereof and may enter into working agreements with them for this purpose provided that nothing contained in the Order of 1927 or in this Order shall entitle the Corporation to run omnibuses over any part of the specified route except upon such terms as may be agreed upon mutually between the Corporation and the company or failing such agreement as may be determined by the Minister.

For protec-  
tion of  
Postmaster-  
General.

7. Subsections (3) and (4) of section 6 of the Order of 1927 shall apply to the omnibuses provided under the powers of this Order.

Workmen's  
omnibuses.

8. On every route upon which a service of omnibuses is provided under the powers of the Order of 1927 or this Order the Corporation shall run an adequate and convenient service of omnibuses for artisans mechanics and daily labourers (Sundays and holidays excepted) at such times as shall be most convenient to such workmen going to and returning from work provided that any service to be run over the specified route in terms of this section shall be provided jointly with the company as required by section 6 hereof.

Inquiries  
&c. by  
Minister of  
Transport.

9. In respect of the exercise of any powers or duties conferred on the Minister or the giving by him of any consents under this Order the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."



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

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Saving  
clause for  
Dundee  
Harbour.

11. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation out of the funds of the omnibus undertaking of the Corporation Any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the commencement of this Order.

Costs of  
Order.

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