

**CHAPTER xlvii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation. A.D. 1930.
—
[15th April 1930.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has 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 is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Edinburgh Corporation Order Confirmation Act 1930. Short title.

A.D. 1930.

SCHEDULE.

EDINBURGH CORPORATION.

Provisional Order to authorise the Corporation of the City and royal burgh of Edinburgh to acquire lands to amend the superannuation scheme of the Corporation 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 electricity gas water and other purposes :

And whereas it is expedient that the Corporation should be authorised to acquire lands for the purposes hereinafter in this Order mentioned :

And whereas it is expedient that further provisions as hereinafter in this Order contained should be enacted in connection with the superannuation scheme of the Corporation :

And whereas it is expedient that the Edinburgh Municipal and Police Acts 1879 to 1927 should be amended as hereinafter in this Order provided :

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

And whereas it is expedient that further powers should be conferred on the Corporation in regard to the utilisation of hospitals including the Royal Victoria Hospital :

And whereas it is expedient that powers should be conferred on the Corporation to allocate the business between the burgh court and the police court or to discontinue one or other of these courts or to amalgamate the said courts : A.D. 1930.

And whereas it is expedient that further powers should be conferred on the Corporation in connection with noise nuisances and other matters :

And whereas it is expedient that the Corporation should be authorised to establish and administer a burgh fund :

And whereas the following estimates have been prepared by the Corporation for the purposes hereinafter mentioned :—

	£
For the purchase of lands - - - -	4,225
For tramway equipment cars rolling stock depots and garages - - - -	80,000
For motor omnibuses - - - -	80,000
For the erection of a new gasholder and new workshops for the gas under- taking of the Corporation - - - -	90,000
For the laying of new mains and services for the gas undertaking of the Cor- poration - - - - -	70,000

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 aforesaid and other purposes as hereinafter in this Order provided and should be empowered to levy rates and assessments :

And whereas it is expedient to authorise the Corporation to borrow such sums as may be required for the purpose of paying out of capital interest on moneys borrowed or to be borrowed for or in connection with the extension of the electricity generating station of the Corporation at Westbank Portobello and subsidiary works connected therewith during the period when the expenditure out of such moneys remains unremunerative :

A.D. 1930.

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

And whereas plans of the lands houses and other properties which may be taken for the purposes of this Order 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 respectively referred to as the deposited plans and book of reference :

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 :—

PART I.

PRELIMINARY.

Short title.

1. This Order may be cited as the Edinburgh Corporation Order 1930 and the Edinburgh Municipal and Police Acts 1879 to 1927 and this Order may be cited as the Edinburgh Municipal and Police Acts 1879 to 1930.

Division of Order into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Superannuation.

Part IV.—Amendment of Acts.

Part V.—Miscellaneous.

Part VI.—Finance.

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.”

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):—

A.D. 1930.

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Interpreta-
tion of
terms.

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

“ Act of 1889 ” means the Water of Leith Purification and Sewerage Act 1889 ;

“ City ” means the city and royal burgh of Edinburgh as extended and defined by the Edinburgh Boundaries Extension and Tramways Act 1920 ;

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

“ Edinburgh Municipal and Police Acts ” means the Edinburgh Municipal and Police Acts 1879 to 1927 the Edinburgh Corporation Stock Act 1894 (as amended by the Edinburgh Improvement and Tramways Act 1896 the Edinburgh Corporation Act 1906 and the Edinburgh Corporation Order 1921) and this Order ;

“ Gas Acts ” means the Edinburgh and Leith Corporations Gas Acts 1888 to 1919 and any other Acts and Orders relating to the gas undertaking of the Corporation ;

“ Order of 1908 ” means the Water of Leith Purification and Sewerage Order 1908 ;

“ Order of 1916 ” means the Edinburgh Corporation Order 1916 ;

“ Order of 1919 ” means the Edinburgh Corporation Order 1919 ;

“ Order of 1922 ” means the Edinburgh Corporation Order 1922 ;

“ Order of 1924 ” means the Edinburgh Corporation (Tramways &c.) Order 1924 ;

“ Order of 1927 ” means the Edinburgh Corporation Order 1927 ;

“ Sheriff ” means the sheriff of the Lothians and Peebles and includes his substitutes or any one of them within the county of Midlothian ;

A.D. 1930.

“ Streets Buildings and Sewers Order of 1926 ” means the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 ;

“ Water Acts ” means the Edinburgh Corporation Water Order 1924 and any other Acts and Orders relating to the water undertaking of the Corporation ;

and the words and expressions defined in the Edinburgh Municipal and Police Acts 1879 to 1927 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.

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.

LANDS.

Purchase of
lands for
street
improvement &c.

6. Subject to the provisions of this Order the Corporation may for the purposes of street improvement and the extension of the Heriot-Watt College enter upon purchase take hold appropriate and use the lands and property hereinafter mentioned and shown on the deposited plans and marked thereon Area “ B ” and described in the deposited book of reference or any part or parts of the same The said lands and property are the following :—

Area “ B ” The lands and property within the city of Edinburgh and city parish of Edinburgh situate within the area marked “ B ” delineated upon the deposited plans and bounded by a line commencing at a point on the centre line of Cowgate four yards or thereabouts northwards from the north-east corner of the property known as Nos. 99 101 and 103 Cowgate thence proceeding eastwards along the centre line of Cowgate for a distance of thirty-four yards or thereabouts thence southwards for a distance of twenty-three yards or thereabouts thence westwards for a distance of eight yards or

thereabouts thence northwards for a distance of two yards or thereabouts thence westwards for a distance of four yards or thereabouts thence southwards for a distance of one yard or thereabouts thence westwards for a distance of two yards or thereabouts thence southwards for a distance of one yard or thereabouts thence westwards for a distance of three yards or thereabouts thence northwards for a distance of seven yards or thereabouts thence north-westwards for a distance of two yards or thereabouts thence westwards for a distance of sixteen yards or thereabouts thence northwards for a distance of four yards or thereabouts thence westwards for a distance of one foot or thereabouts thence northwards for a distance of thirteen yards or thereabouts to the point of commencement.

A.D. 1930.
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7. If there be any omission misstatement 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 misstatement 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 misstated or erroneously described and the decision of the sheriff in such matter shall be final.

Omission or misstatement in plans or book of reference may be corrected.

8. 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 upon purchase take hold and use

Certificates to be deposited.

A.D. 1930. — for the purposes of this Order any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Limiting period for compulsory purchase of lands.

9. 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.

PART III.

SUPERANNUATION.

Inter-pretation.

10.—(1) The provisions of Part III (Superannuation) of the Order of 1922 shall be amended as follows (that is to say):—

The definition of “officer or servant” contained in section 29 (Interpretation) of the Order of 1922 is hereby repealed and in lieu thereof the following definition shall apply and have effect (that is to say):—

“ ‘Officer or servant’ means any officer or servant
“ in the permanent and exclusive service of the
“ Corporation and in the receipt of salary or
“ wages but does not include (a) the chief
“ constable or any member of the police force
“ of the city to whom the provisions of the
“ Police Pensions Act 1921 or any Act amending
“ the same apply or (b) any person to whom the
“ provisions of the Education (Scotland) (Super-
“ annuation) Act 1919 or any Act amending
“ the same apply or (c) any person to whom the
“ provisions of the Asylum Officers Superannua-
“ tion Act 1909 or the Asylum and Certified
“ Institutions (Officers Pensions) Act 1918 apply
“ Provided that an officer or servant who is
“ specially qualified by reason of the nature
“ of his employment with the Corporation
“ to instruct students or to carry out other work
“ in the line of his employment for which he
“ may be remunerated by persons other than
“ the Corporation shall be held to be included
“ within this definition if the consent of the
“ Corporation in writing is obtained to his
“ engaging in such work.”

(2) For the purposes of this Part of this Order the following expressions shall have the meanings hereinafter respectively assigned to them (that is to say) :—

A.D. 1930.
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“ Superannuation scheme of the Corporation ” and “ superannuation fund of the Corporation ” mean and include the superannuation scheme and superannuation fund established and administered under the provisions of Part III (Superannuation) of the Order of 1922 or of any Act or Order amending the same including this Part of this Order ;

“ Transferred superannuation fund ” means and includes any superannuation fund transferred to the Corporation by virtue of the provisions of the Local Government (Scotland) Act 1929 ;

“ Transferred officer or servant ” means and includes any officer or servant as defined in subsection (1) of this section transferred to the service of the Corporation by virtue of the provisions of the Rating (Scotland) Act 1926 or by virtue of the provisions of the Local Government (Scotland) Act 1929 :

11. This Order shall for the purposes of this Part of this Order commence and have effect on and from the sixteenth day of May one thousand nine hundred and thirty.

Commence-
ment of this
Part of
Order.

12.—(1) Any transferred superannuation fund shall be merged in the superannuation fund of the Corporation and at the commencement of this Part of this Order the amounts then standing at the credit of the transferred superannuation funds and the whole assets of the transferred superannuation funds shall by virtue of this Order be transferred to the superannuation fund of the Corporation and shall be administered and applied by the Corporation for the purposes of and as part of the superannuation scheme of the Corporation.

Merger of
transferred
super-
annuation
funds.

(2) Subject to the provisions of this Part of this Order the superannuation scheme of the Corporation shall extend and apply to every transferred officer or servant who at the date of transference was a contributor to or had any right or interest in a transferred superannuation fund.

A.D. 1930.

Service of
transferred
officer or
servant.

13. In calculating the amount of the superannuation allowance to which a transferred officer or servant shall be entitled there shall be reckoned as service with the Corporation such service prior to the date of transference including non-contributing service as such officer or servant was entitled to have reckoned under the provisions applicable to the transferred superannuation funds.

Contribu-
tions of
transferred
and new
officers and
servants.

14. Every transferred officer or servant who at the date of transference was a contributor to a transferred superannuation fund and every officer or servant who shall enter the employment or service of the Corporation after the commencement of this Part of this Order shall contribute to the superannuation fund of the Corporation and subject to the provisions of the superannuation scheme of the Corporation an amount equal to five per centum of his salary or wages except in the case of a manual worker in which case the amount shall be equal to four and one-sixth per centum of his salary or wages. Provided that section 43 (Actuarial investigation of superannuation fund) of the Order of 1922 shall apply to such contributions as if they were contributions under the Order of 1922.

Allowance
for previous
service.

15. Where in the case of a transferred superannuation fund the appropriate local authority has under the provisions of section 16 (Allowance for previous service) of the Local Government and other Officers' Superannuation Act 1922 by resolution determined that for the purposes of his superannuation allowance the non-contributing service of a transferred officer or servant shall be reckoned at a rate exceeding one one hundred and twentieth but not exceeding one-sixtieth of the average amount of the salary or wages for the last five years of service of such transferred officer or servant the amount of any superannuation allowance to such transferred officer or servant in so far as it exceeds one one hundred and twentieth of such average amount as aforesaid in respect of each year of his non-contributing service shall not be paid out of the superannuation fund of the Corporation but shall be charged upon the same assessments revenues and accounts as those upon which the salary or wages of the officer or servant to whom the allowance is granted are charged. Provided that the Corporation may in their option obtain from an actuary a valuation of such burden and a certificate of the amount which would be necessary to pay off the same by means

of an equal annual charge for a period of forty years from the fifteenth day of May one thousand nine hundred and thirty-one and on such equal annual charge being added to the equal annual charge referred to in subsection (1) (d) of section 39. (Superannuation fund) of the Order of 1922 the whole amount of the superannuation allowance to such officer or servant shall be payable out of the superannuation fund.

A.D. 1930.
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16. Section 8 (Reckoning service in case of transfer) of the Local Government and other Officers' Superannuation Act 1922 shall apply to the superannuation scheme of the Corporation in the same way and to the same effect as if the Corporation had adopted that Act Provided that where under the provisions of that Act an officer or servant transfers to the service of the Corporation from the service of another local authority the superannuation scheme of the Corporation shall then extend and apply to him subject (a) to the amount of his contributions to the superannuation fund of the Corporation after such transfer being the amount specified in the section of this Order the marginal note whereof is "Contributions of transferred and new officers and servants" and (b) to the provisions of the section of this Order the marginal note whereof is "Return of contributions with interest in certain cases."

Transfer
of service.

17. Notwithstanding anything contained in this Part of this Order the provisions of section 10 (Return of contributions with interest in certain cases) of the Local Government and other Officers' Superannuation Act 1922 shall apply (a) to every transferred officer or servant who at the date of transference was a contributor to or had any right or interest in a transferred superannuation fund and (b) to any officer or servant who becomes a contributor to the superannuation fund of the Corporation under the provisions of the section of this Order the marginal note whereof is "Transfer of service."

Return of
contribu-
tions with
interest in
certain
cases.

18. The provisions of the superannuation scheme of the Corporation shall extend and apply to the officers and servants of the governors of the Heriot-Watt College (other than officers and servants to whom the provisions of the Education (Scotland) (Superannuation) Act 1919 or any Act amending the same apply) who entered the service of such governors subsequent to the first day

Application
to Heriot-
Watt
College.

A.D. 1930. of January one thousand nine hundred and twenty-eight
— and that in the same way and to the same effect as such
provisions apply to transferred officers or servants
Provided as follows:—

- (1) The governors of Heriot-Watt College shall be liable for all such obligations under the superannuation scheme of the Corporation as the Corporation would be liable for if such officers or servants had been officers or servants of the Corporation within the meaning of the superannuation scheme of the Corporation:
- (2) The period of service of such officers or servants with the governors of Heriot-Watt College shall be reckoned as employment in the service of the Corporation Provided that such officers or servants shall pay into the superannuation fund of the Corporation in respect of such service prior to the commencement of this Part of this Order a contribution equal to the contribution payable under the section of this Order the marginal note whereof is "Contributions of transferred and new officers and servants."

Provisions
as to retiral
from
service.

19. Notwithstanding the provisions of Part III (Superannuation) of the Order of 1922 the following provisions in regard to retiral from the service of the Corporation shall have effect:—

Any female nurse or health visitor if she has completed thirty years' service and has attained the age of fifty-five years shall on resigning or otherwise ceasing to hold her office or employment be entitled without a medical certificate to retire and receive a superannuation allowance according to the scale provided in section 37 (Scale of superannuation allowance) of the Order of 1922 and retirement from the service of the Corporation shall be compulsory in the case of any such female nurse or health visitor where she is required to retire by the Corporation on the ground that her retention in the service would not be in the interests of efficiency.

Reckoning
years'
service.

20. In reckoning the service of an officer or servant for the purpose of calculating any superannuation allowance granted after the commencement of this Part

of this Order any portion of a year during which such officer or servant has served for more than six months shall be reckoned as a year. A.D. 1930.
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21. Subsection (2) of section 27 (Amendment of superannuation provisions) of the Order of 1924 is hereby repealed and section 37 (Scale of superannuation allowance) of the Order of 1922 shall be read and construed as if the following proviso were inserted at the end thereof "Provided also that where the " salary or wages of an officer or servant over fifty-five " years of age is reduced otherwise than as the result " of misconduct of such officer or servant or of " a general revision of rates of remuneration such " officer or servant shall in his option be entitled to " contribute to the superannuation fund of the Cor- " poration on the basis of the amount of his salary or " wages prior to such reduction and his superannuation " allowance shall be calculated accordingly." Contributions where salary or wages reduced.

22. Where an officer or servant who has left the service of the Corporation subsequently returns to that service after the lapse of a period exceeding twelve months he shall on such re-entry to the service for the purpose of computing the amount of his contribution to the superannuation fund of the Corporation be deemed to be a new entrant to whom the provisions of the section of this Order the marginal note whereof is " Contributions of transferred and new officers and servants " shall apply and such new entrant shall not be entitled to have his previous service with the Corporation reckoned for superannuation purposes unless within three months of his re-entry to the service he pays back to the superannuation fund the amount mentioned in section 45 (Return of contributions in certain cases) of the Order of 1922 Provided that this section shall not operate so as to restore any right forfeited under the provisions of section 44 (Forfeiture of claim to allowance in certain cases) of the Order of 1922. Contribution on re-entry to Corporation's service.

23. In reckoning the amount of salary or wages for the purpose of the contributions to be made to the superannuation fund of the Corporation by officers or servants after the commencement of this Part of this Order fractional parts of one pound of the salary or wages shall be reckoned to the nearest two shillings that is to say Reckoning of fractions of one pound.

A.D. 1930. — a fraction of two shillings amounting to one shilling or less shall not be reckoned and a fraction of two shillings exceeding one shilling shall be reckoned as two shillings.

Contribution where fluctuations in wages.

24. Where after the commencement of this Part of this Order an officer or servant is temporarily employed on work other than that in respect of which his normal salary or wages is applicable and is remunerated for such temporary work at a rate different from his normal salary or wages his percentage contribution to the superannuation fund of the Corporation and the amount of his superannuation allowance respectively shall be calculated on the basis of the amount of his normal salary or wages.

Modification of scheme.

25. In consequence of the provisions of the Widows' Orphans' and Old Age Contributory Pensions Act 1925 the superannuation scheme of the Corporation shall be and is hereby modified as follows:—

- (a) In the case of a manual worker who is a contributor to the superannuation fund of the Corporation at the commencement of this Part of this Order his salary or wages shall be reduced to the extent of eight shillings per week for the purpose of reckoning his percentage contribution to the superannuation fund and the amount of his superannuation allowance;
- (b) In the case of a manual worker who shall enter the employment or service of the Corporation at or after the commencement of this Part of this Order his salary or wages shall be reduced to the extent of fifteen shillings per week for the purpose of reckoning his percentage contribution to the superannuation fund and the amount of his superannuation allowance.

PART IV.

AMENDMENT OF ACTS.

Water and water-closets.

26. The provisions of Part III (Buildings) of the Streets Buildings and Sewers Order of 1926 shall be amended as follows (that is to say):—

Section 57 (Water and waterclosets) of the said Order of 1926 is hereby repealed and in lieu thereof the

following provisions shall apply and have effect (that A.D. 1930.
is to say) :—

“ 57.—(1) The owner of every house where there is
“ no provision for a supply of water for
“ domestic or sanitary purposes or where in
“ the opinion of the Corporation the provision
“ made is inadequate shall when required by
“ notice by the Corporation make such provision
“ for the introduction or increase of such supply
“ as the Corporation may consider necessary
“ and as may be specified in the notice.

“ (2) The owner of every house which is not supplied
“ or in the opinion of the Corporation is
“ inadequately supplied with suitable and effi-
“ cient sink and watercloset accommodation
“ waste pipes and soil pipes or any of them shall
“ when required by notice by the Corporation
“ provide fit up and maintain such sinks
“ waterclosets waste pipes and soil pipes or
“ any of them as the Corporation may consider
“ necessary and as may be specified in the
“ notice.

“ (3) All sinks waterclosets waste pipes and soil
“ pipes shall be kept in proper order and
“ repair to the satisfaction of the Corporation
“ and the owner when required by notice by
“ the Corporation shall execute such repairs
“ thereon as the Corporation may consider
“ necessary and as may be specified in the
“ notice.

“ (4) Every watercloset to be constructed after the
“ commencement of this Order shall be placed
“ in such a position that one of its sides shall
“ be an external wall with a window therein
“ containing an area of at least four superficial
“ feet one half of which shall be made to open or
“ in the case of a watercloset placed next
“ to the roof the same may be lighted and
“ ventilated therefrom to the satisfaction of
“ the Corporation and every sink to be con-
“ structed after the commencement of this

A.D. 1930.

- “ Order shall be fitted up at a window or other
“ well lighted and ventilated place.
- “ (5) Where any watercloset or sink has been
“ constructed in any house prior to the com-
“ mencement of this Order and is not in con-
“ formity with the provisions of this section
“ as regards position or otherwise the owner
“ when required by notice from the Corporation
“ shall make such alterations as the Corporation
“ may deem necessary and as may be specified
“ in the notice in order that such watercloset
“ or sink shall thereafter be in conformity
“ with the provisions of this section.
- “ (6) Any owner who does not comply with any
“ notice given by the Corporation under the
“ provisions of this section or who fails to
“ execute to the satisfaction of the Corporation
“ and within the time specified in the notice
“ the works required to comply with such
“ notice shall be liable to a penalty not
“ exceeding five pounds and to a daily penalty
“ not exceeding forty shillings.
- “ (7) An owner may appeal to the sheriff against—
“ (a) any notice under the provisions of
“ this section where such notice relates to
“ any house where in the opinion of the
“ Corporation the existing provision made
“ for a supply of water or for sinks water-
“ closets waste pipes and soil pipes or any
“ of them is inadequate; or
“ (b) any notice under the provisions of
“ subsection (5) of this section;
“ by giving notice of appeal to the sheriff
“ within twenty-one days after the notice is
“ received or such longer time as the sheriff
“ may allow and no proceedings shall be taken
“ in respect of any notice whilst the appeal
“ is pending and the provisions of section 103
“ (Procedure on appeals to sheriff) of the
“ Housing (Scotland) Act 1925 shall mutatis
“ mutandis apply to any such appeal.”

27. The provisions of Part VI (Watercourses streams &c.) of the Streets Buildings and Sewers Order of 1926 shall be amended as follows (that is to say):—

A.D. 1930.

—
Repair and
cleansing of
culverts.

Section 175 (Repair and cleansing of culverts) of the said Order of 1926 is hereby repealed and in lieu thereof the following provisions shall apply and have effect (that is to say):—

“ 175.—(1) The owner or occupier of any pipe or
“ culvert constructed for the passage of water
“ shall from time to time repair maintain and
“ cleanse the same and such owner shall when
“ required by notice by the Corporation execute
“ such works thereon as may be necessary for
“ such repair maintenance and cleansing and
“ as may be specified in the notice.

“ (2) Any owner or occupier who does not comply
“ with any notice given by the Corporation
“ under the provisions of this section or who
“ fails to execute to the satisfaction of the
“ Corporation and within the time specified
“ in the notice the works required to comply
“ with such notice shall be liable to a penalty
“ not exceeding five pounds and to a daily
“ penalty not exceeding forty shillings or in
“ their option the Corporation may on such
“ default execute the necessary works and the
“ expenses so incurred as certified by the
“ burgh engineer shall be recoverable by the
“ Corporation as a debt from the owner or
“ occupier in default.”

28. Section 207 (Provisions in regard to byelaws) of the Streets Buildings and Sewers Order of 1926 shall be read and construed as if in the case of rules regulations or byelaws made by the Corporation under the provisions of Part VII (Water of Leith) of the said Order of 1926 the words “the Scottish Board of Health” were omitted from the said section 207 and the words “the sheriff” were inserted therein in lieu thereof and the said section 207 as so amended shall also apply in the case of rules regulations or byelaws made by the Corporation under the provisions of the Act of 1889 as amended by the Order of 1908.

Water of
Leith
byelaws.

A.D. 1930.

—
Repeal of
section 73
of Order of
1927.

29. Section 73 (Provision as to Rating (Scotland) Act 1926) of the Order of 1927 shall be and the same is hereby repealed.

PART V.

MISCELLANEOUS.

Power to
erect police
kiosks in
Meadows
&c.

30. Notwithstanding anything to the contrary contained in the following statutes (namely) 54 Geo. III. cap 170 56 Geo. III. cap XLI. 7 and 8 Geo. IV. cap LXXVI. 1 and 2 William IV. cap. XLV. and 1 and 2 Victoria cap. LV. 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 Bruntsfield Links East Princes Street Gardens West Princes Street Gardens Calton Hill and Leith Links and on any public park or recreation ground or on any part thereof buildings or erections to be used for police purposes of the nature of police kiosks.

Rules and
regulations
for Lauriston
Castle
and grounds.

31.—(1) The Corporation may from time to time make and enforce rules and regulations in regard to the administration and use of Lauriston Castle and grounds vested in the Corporation under or in accordance with the testamentary writings of William Robert Reid and Margaret Johnstone Barton or Reid including the regulation of the admission and conduct of visitors and the public the fixing of charges for such admission the preservation of the property from injury and any other relevant matters.

(2) The Corporation may by any rules and regulations made by them under this section impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of forty shillings for each offence and any such penalty shall be recoverable in the burgh court or in the police court.

(3) Section 207 (Provisions in regard to byelaws) of the Streets Buildings and Sewers Order of 1926 shall apply to such rules and regulations as if they were byelaws made under the provisions of that Order and as if the words "the Scottish Board of Health" were omitted from the said section 207 and the words "the sheriff" were inserted therein in lieu thereof.

32.—(1) In order to facilitate the re-organisation or better development of the various hospitals vested in or at the disposal of the Corporation or which may become vested in or at the disposal of the Corporation by virtue of the provisions of the Local Government (Scotland) Act 1929 or the more effective use of the lands and buildings comprising any such hospital the Corporation may vary the use of the Royal Victoria Hospital and use the same for purposes of treatment other than the purposes contemplated by the Order of 1916 Provided that the Corporation shall not except with the consent of the trustees and committee of management of the Royal Victoria Hospital Tuberculosis Trust use the Royal Victoria Hospital for purposes other than the treatment of tuberculosis but the Corporation may without any such consent use the Royal Victoria Hospital for the treatment or care of persons suffering from tuberculosis in any of its forms or stages and the provisions of Part V of the Order of 1916 and of the Third Schedule to that Order shall be read and construed accordingly.

A.D. 1930.

—
Re-organ-
isation of
hospitals.

(2) The provisions of section 40 of the Local Government (Scotland) Act 1929 shall apply as respects any hospital belonging to the Corporation other than the Royal Victoria Hospital notwithstanding anything in section 72 of the Edinburgh Extension Act 1896 or in any other provision relating to hospitals of a like nature contained in any of the Edinburgh Municipal and Police Acts.

33. Notwithstanding anything to the contrary contained in the Edinburgh Municipal and Police Acts or in any other Act of Parliament the following provisions shall apply and have effect (that is to say) :—

Burgh and
police
courts.

(1) It shall be lawful to try either in the burgh court or in the police court all crimes offences or breaches or contraventions of statutory provisions or of byelaws rules or regulations which might but for the provisions of this section be tried only in the police court and as regards such crimes offences or breaches or contraventions of statutory provisions or of byelaws rules or regulations the burgh court shall have concurrent jurisdiction with the police court :

(2) It shall be lawful to try either in the police court or in the burgh court all offences or breaches or

A.D. 1930.

contraventions of statutory provisions or of byelaws rules or regulations which under the provisions of the Edinburgh Municipal and Police Acts might but for the provisions of this section be tried only in the burgh court and as regards such offences or breaches or contraventions of statutory provisions or of byelaws rules or regulations the police court shall have concurrent jurisdiction with the burgh court :

- (3) Penalties which under the provisions of the Edinburgh Municipal and Police Acts would be recoverable only in the burgh court but for the provisions of this section may be recovered either in the burgh court or in the police court and penalties which but for the provisions of this section would be recoverable only in the police court may be recovered either in the police court or in the burgh court :
- (4) The Corporation may from time to time allocate and distribute the business between the burgh court and the police court or discontinue one or other of those courts or amalgamate the said courts under the name of the burgh court or otherwise or make such other arrangement in the premises as they may deem expedient :
- (5) The Corporation may from time to time appoint an official to conduct prosecutions and other proceedings in the said courts or either of them and such official shall for the purpose of such prosecutions and other proceedings have all the powers and privileges appertaining to any procurator fiscal by the law of Scotland and shall be designated the city prosecutor and in construing the Edinburgh Municipal and Police Acts the expressions "procurator fiscal of the burgh court" or "prosecutor in the police court" or other similar expression shall mean and include the city prosecutor The Corporation may at any time suspend or dismiss the city prosecutor The city prosecutor may with the approval of the Corporation appoint a person to act for him as his depute and may also with the approval of a magistrate appoint a person from time to time to perform ad interim

any duties in his name and to insist in any proceedings which may have been commenced in his name :

- (6) The Corporation may from time to time appoint a clerk to the said courts or either of them and such clerk may with the approval of the Corporation appoint a person to act for him as his depute and may also with the approval of a magistrate appoint a person from time to time to perform ad interim any duties in his name The Corporation may at any time suspend or dismiss the clerk to the said courts or either of them :
- (7) In case of any vacancy in the office of city prosecutor or clerk to the said courts or either of them the lord provost or acting chief magistrate may make an interim appointment to the vacant office to endure until the appointment of a successor and during the period of such interim appointment all things required or authorised by law to be done by or to the city prosecutor or clerk as the case may be may be done by or to the person so appointed and such interim city prosecutor may insist in any proceedings which may have been commenced in the name of the person who last held the appointment of city prosecutor or interim city prosecutor :
- (8) Every proceeding or trial in the said courts or either of them shall be conducted in the official name and at the instance of the city prosecutor or interim city prosecutor as the case may be but without prejudice to complaints at the instance of any party or parties who are entitled to make the same :
- (9) The following sections of the Act of 1879 shall be and the same are hereby repealed (that is to say) section 50 (Prosecutor for public interest in police court) section 51 (Interim prosecutor) and section 52 (Appointment of clerk of police court).

34.—(1) A noise nuisance shall be liable to be dealt with summarily in the manner provided in Part II of the Public Health (Scotland) Act 1897 in the same way and to the same effect as in cases under subsection (6)

Noise
nuisance.

A.D. 1930. — of section 16 of that Act and the Corporation shall have all the powers and duties with reference to a noise nuisance which a local authority has with reference to a nuisance under the said Act.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

Power to increase number of managers of Royal Infirmary.

35.—(1) Notwithstanding anything contained in the Royal Charter granted by His Majesty King George the Second of date the twenty-fifth day of August one thousand seven hundred and thirty-six incorporating the Royal Infirmary of Edinburgh or in the Edinburgh Royal Infirmary Act 1870 or in the Order of 1919 the number of the managers of the Royal Infirmary of Edinburgh shall as from the first Monday in January next after the holding of the annual general meeting first referred to in subsection (2) of this section be twenty-eight of whom twenty-six shall be appointed in the manner provided by the said Edinburgh Royal Infirmary Act 1870 and by the Order of 1919 and the remaining two managers shall be appointed by the association known as the League of Subscribers to the Royal Infirmary of Edinburgh (hereinafter in this section referred to as "the said league").

(2) The two managers to be appointed by the said league as provided for in the immediately preceding subsection shall be so appointed at the annual general meeting of the said league to be held in the month of November next after the commencement of this Order and at the annual general meeting to be held in each following year and they shall hold office as managers from the first Monday of the month of January next after

their election until the first Monday of the month of A.D. 1930.
January following.

(3) Section 18 of the Edinburgh Royal Infirmary Act 1870 shall be read and construed as if the words "provided that the number of managers entitled to act shall not thereby be reduced below fifteen" were inserted immediately after the words "have been so appointed" occurring in the said section.

(4) Except as altered by this Order the whole of the provisions of the Edinburgh Royal Infirmary Act 1870 as amended by section 94 (Power to alter date of annual meeting of contributors to Royal Infirmary of Edinburgh) of the Act of 1913 and by section 8 (Power to increase the number of managers of Royal Infirmary) of the Order of 1919 shall apply to the appointment of managers of the said Royal Infirmary of Edinburgh.

PART VI.

FINANCE.

36.—(1) The Corporation shall establish and administer a fund to be called the "Edinburgh Corporation burgh fund" to which shall be carried and credited in each year— Establishment of burgh fund.

- (a) The total moneys raised on account of the burgh (consolidated) assessments;
- (b) The total amount of government grants received by the Corporation;
- (c) All moneys received by the Corporation on account of the revenue of the following trading undertakings of the Corporation (that is to say) the gas undertaking the water undertaking the transport (tramway and motor omnibus) undertaking and the electricity undertaking and on account of all other undertakings or services carried on by the Corporation on the security of the burgh (consolidated) assessments;
- (d) All other revenues of the Corporation as rating authority.

There shall be defrayed out of the said fund—

- (a) All payments and expenses made and incurred by the Corporation as the rating authority;

A.D. 1930.

(b) All payments and expenses made and incurred by the Corporation in respect of the aforesaid trading undertakings of the Corporation and in respect of all other undertakings or services carried on by the Corporation on the security of the burgh (consolidated) assessments.

(2) Nothing contained in this section shall be deemed to authorise the Corporation (a) to apply or dispose of the net surplus revenue and the annual proceeds of the reserve fund (when amounting to the prescribed limit) of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 or (b) to apply or dispose of surplus gas revenues otherwise than in accordance with the provisions of section 79 (Commissioners to fix price for gas) of the Edinburgh and Leith Corporations Gas Act 1888.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Borrowing
for ac-
quisition of
lands.

37. The Corporation are hereby authorised to borrow money for the acquisition of lands and heritages servitudes and other property which may be required for the purposes of the section of this Order the marginal note whereof is "Purchase of lands for street improvement &c." and the provisions of the 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 moneys to be borrowed under the provisions of this section.

Borrowing
for tramway
under-
taking.

38.—(1) In addition to any money which the Corporation have borrowed for the purposes of their tramway undertaking 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 depots garages or other buildings the sum of eighty thousand pounds; A.D. 1930.

(b) For the purchase of motor omnibuses the sum of eighty thousand pounds.

(2) The Corporation shall annually out of the revenues of their 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 paragraph (a) of subsection (1) of this section.

(3) The Corporation shall annually out of the revenues of their 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.

39.—(1) In addition to any money which the Corporation are authorised to borrow for such purposes under the provisions of the Edinburgh Municipal and Police Acts the Corporation under the authority of this Order may borrow with the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by the Secretary of State after consultation with the Minister of Transport such sums of money as may be required from time to time for the purposes of their tramway undertaking.

General powers of borrowing for tramway undertaking.

(2) 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 moneys to be borrowed under the provisions of this section.

40.—(1) In addition to any money which the Corporation have borrowed for the purposes of their gas

Borrowing for gas undertaking.

A.D. 1930. — undertaking the Corporation under the authority of this Order may borrow sums of money as follows:—

(a) For the purposes of the erection of a new gas-holder and of new workshops the sum of ninety thousand pounds;

(b) For the laying of new mains and services the sum of seventy thousand pounds.

(2) The Corporation shall annually out of the revenues of their gas 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 moneys to be borrowed under the provisions of this section.

General powers of borrowing for gas undertaking.

41.—(1) In addition to any money which the Corporation are authorised to borrow for such purposes under the provisions of the Gas Acts and the Edinburgh Municipal and Police Acts the Corporation under the authority of this Order may borrow with the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by the Secretary of State such sums of money as may be required from time to time for the purposes of their gas undertaking.

(2) 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 moneys to be borrowed under the provisions of this section.

General powers of borrowing for water undertaking.

42.—(1) In addition to any money which the Corporation are authorised to borrow for such purposes under the provisions of the Water Acts and the Edinburgh Municipal and Police Acts the Corporation under the authority of this Order may borrow with the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by the Secretary of State such sums of money as may be required from time to time for the purposes of their water undertaking.

(2) 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

moneys to be borrowed under the provisions of this section. A.D. 1930.

43.—(1) The Corporation may with the consent of the Electricity Commissioners borrow such sums of money as may be requisite for the purpose of paying out of capital interest on moneys already borrowed or to be borrowed by the Corporation for or in connection with the extension of the electricity generating station of the Corporation at Westbank Portobello and relative substations and for main transmission lines therefrom during the period when the expenditure out of such moneys remains unremunerative. Provided that such period shall not exceed five years from the fifteenth day of May one thousand nine hundred and twenty-six.

Provisions as to capitalisation of interest in connection with extension of Portobello electricity station.

(2) 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 moneys to be borrowed under the provisions of this section.

44. 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.

Application of assessments.

45. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown.

Crown rights.

46. 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 fifteenth day of May preceding the commencement of this Order.

Expenses of Order.

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