



CHAPTER xxvii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Edinburgh Corporation. [28th July 1950.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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 1950. Short title.

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EDINBURGH CORPORATION

Provisional Order to confer further powers on the Corporation of the city of Edinburgh and to make provision with respect to the regulation and control of cabs fire precautions the finance health local government and administration of the city to confer further powers on the Corporation with respect to the Waverley Market and the site thereof to extend the time for the construction of tramways and street improvements 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:

And whereas it is expedient that the powers of the Corporation with respect to the regulation and control of cabs as defined in this Order should be extended and that the provisions contained in this Order with respect thereto should be enacted:

And whereas it is expedient that further provision should be made as provided in this Order with respect to the precautions to be taken against fire:

And whereas it is expedient that the provisions contained in this Order with respect to finance superannuation the burgh assessments and the valuation of lands and heritages in the city should be enacted:

And whereas it is expedient that the further powers contained in this Order should be conferred on the Corporation with respect to the Waverley Market and the erection of buildings on the site thereof and adjoining ground described in this Order:

And whereas it is expedient that the time limited for the construction of certain tramways and street improvements should be extended as provided in this Order:

And whereas it is expedient that the Edinburgh Corporation Acts 1924 to 1949 should be amended and that further powers should be conferred on the Corporation as provided in this Order:

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

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

26 Geo. 5. &
1 Edw. 8.
c. 50.

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

Order divided
into Parts.

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

Part I.—Preliminary.

Part II.—Cabs.

Part III.—Public health.

Part IV.—Fire precautions.

Part V.—Finance and rating.

A.—Application of Local Government (Scotland) Act 1947.

B.—Miscellaneous financial provisions.

Part VI.—Valuation of lands and heritages.

Part VII.—Superannuation.

Part VIII.—Miscellaneous.

PART I

PRELIMINARY

Short and
collective titles.

2. This Order may be cited as the Edinburgh Corporation Order 1950 and the Edinburgh Corporation Acts 1924 to 1949 and this Order may be cited together as the Edinburgh Corporation Acts 1924 to 1950.

Commencement
of Order.

3. Except as otherwise in this Order expressly provided this Order shall come into operation on the date of the Act confirming this Order which date is in this Order referred to as the commencement of this Order.

Interpretation.

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

10 & 11 Geo. 6.
c. 43.

“Act of 1947” means the Local Government (Scotland) Act 1947;

“chief constable” means the chief constable of the city for the time being;

“city” means the city and royal burgh of Edinburgh;

“city Acts” means the Edinburgh Corporation Acts 1924 to 1949 and this Order;

“city engineer” means the engineer of the city for the time being;

“the commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

10 & 11 Geo. 6.
c. 49.

“common good” means the common good of the city;

“constable” means the chief constable or any member of the police force of the city;

“Corporation” means the corporation of the city of Edinburgh;

- “daily penalty” means a penalty for every day on which any offence is continued after conviction therefor ;
- “dean of guild court” means the dean of guild court of the city ;
- “farmed-out house” has the meaning assigned to it by subsection (1) of section 163 (Definition of farmed-out house and keeper thereof) of the Order of 1933 ;
- “fire brigade” means the fire brigade maintained in pursuance of the Fire Services Act 1947 by the fire authority in whose area the city is situated ; 10 & 11 Geo. 6.
c. 41.
- “fireman” means a member of the fire brigade or of any other fire brigade acting within the city in pursuance of any arrangements made under the Fire Services Act 1947 and includes the firemaster ;
- “firemaster” means the chief officer of the fire brigade ;
- “fried-fish shop” means any premises used solely or principally for the preparation cooking and sale of fish potatoes or other similar commodities where quantities of heated or boiling fat or oil are used for the purpose of such preparation and cooking ;
- “judge of police” means the magistrates and the judges of police appointed under the Order of 1933 or any one of them sitting in the burgh court ;
- “lands and heritages” has the same meaning as in the Valuation Acts ;
- “magistrates” means the lord provost and bailies of the city for the time being ;
- “master of works” means the master of works appointed by the Corporation in pursuance of the Order of 1926 ;
- “Order of 1926” means the Edinburgh Corporation (Streets Buildings and Sewers) Order 1926 ;
- “Order of 1932” means the Edinburgh Corporation Order 1932 ;
- “Order of 1933” means the Edinburgh Corporation Order 1933 ;
- “sheriff” means the sheriff of the Lothians and Peebles and includes his substitutes ;
- “town clerk” means the town clerk of the city for the time being ;
- “Valuation Acts” means the Acts in force for the time being relating to the valuation of lands and heritages ;

and the words and expressions defined in the city Acts 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 city Acts.

PART II

CABS

Definition of
cab.

5. For the purposes of this Part of this Order "cab" means every wheeled carriage whatever its form or construction and however drawn or propelled which stands for hire or plies for passengers for hire within the city but shall not include—

(a) a carriage let out for hire as a job carriage by the day or month or for any longer period or a carriage kept by the owner within his own premises for the purpose of being let out for hire as a job carriage for any shorter period ; or

(b) a tramway car or trolley vehicle or a public service vehicle within the meaning of the Road Traffic Act 1930:

20 & 21 Geo. 5.
c. 43.

Provided that the expression "job carriage" shall not include any cab licensed under this Part of this Order.

Cabs to be
licensed.

6.—(1) The Corporation shall from time to time license to ply for hire within the city such number of cabs as they think fit.

(2) Every application for a licence under this section shall be signed by the person requiring such licence and if made on behalf of any limited liability company or partnership firm such application shall be made by the secretary or manager or other duly authorised official of the company or a partner of the partnership firm as the case may be.

(3) A licence under this section shall not be granted to an individual person under the age of eighteen years.

(4) A licence granted under this section shall not include more than one cab.

Occasional
licences for
cabs.

7. The Corporation may in their discretion grant occasional licences for cabs to be in force for such day or days as may be specified in such licences.

Penalty for
plying for hire
without
licence.

8.—(1) Any person who within the city stands or plies for hire with a cab in relation to which there is not in force a licence granted under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(2) Any person who causes or permits to stand or ply for hire within the city a cab in relation to which there is not in force a licence granted under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Drivers of cabs
to be licensed.

9.—(1) The Corporation shall from time to time license such persons as they think fit to act as cab drivers.

(2) A licence under this section shall not be granted to any person under the age of eighteen years.

Provisions as
to physical
fitness of cab
drivers.

10. The Corporation may require any person making application for the grant or renewal of a cab driver's licence—

(a) to produce a certificate signed by a registered medical practitioner to the effect that he is fit physically to be the driver of a cab ; or

(b) (whether or not such a certificate has been produced) to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a cab.

PART II
—cont.

11.—(1) A person shall not stand or ply for hire with a cab within the city unless he is licensed under the section of this Order of which the marginal note is "Drivers of cabs to be licensed" and a person shall not employ or cause or permit to stand or ply for hire with a cab within the city any person who is not so licensed.

Penalty in case of driver acting without licence.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

12.—(1) If the holder of a licence in respect of a cab or of a cab driver's licence changes his address during the currency of the licence he shall give notice of such change of address in writing to the town clerk within seven days of such change specifying in such notice his new address and shall at the same time send or deliver such licence to the town clerk who shall endorse thereon the particulars of such change.

Notification of change of address.

(2) A holder of a licence in respect of a cab or of a cab driver's licence who changes his address and fails to give notice of such change or to send or deliver such licence to the town clerk in accordance with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

13. Any holder of a licence in respect of a cab or any driver of a cab who demands or takes as a fare a greater sum than the fare allowed under any byelaws made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Penalty for demanding more than authorised fare.

14. A person shall not be bound by any agreement whatever made with the driver or with any person having or pretending to have the care of any cab for the payment of a fare in excess of that allowed under any byelaw made under this Part of this Order and any person who has made such agreement may notwithstanding the agreement refuse on discharging such cab to pay any sum beyond the fare allowed as aforesaid.

Agreement to pay more than authorised fare not to be binding.

15. Any holder of a licence in respect of a cab or driver of a cab and any other person on behalf of any such licence-holder or driver who agrees beforehand with any person hiring such cab to charge for such hire a sum less than the fare allowed under any byelaw made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings if he demands or takes for such hire more than the sum so agreed upon.

Penalty for demanding more than sum agreed for though less than authorised fare.

16. A person who refuses on completion of the hire of a cab to pay the fare due by him for such hire in accordance with any byelaw made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Penalty on persons refusing to pay fare.

PART II
—cont.Byelaws for
regulating cabs.

17. The Corporation may make byelaws for all or any of the following purposes (that is to say):—

- (1) For regulating the conduct of the drivers of cabs in their several employments ;
- (2) For the examination and inspection of cabs at such times and places as may be prescribed in the byelaws ;
- (3) For the numbering of cabs and for regulating the issue and display of plates indicating such numbers and fixing the charges for the use of such plates ;
- (4) For prescribing the type and construction of vehicles which may be licensed as cabs and for prescribing the age in excess of which mechanically propelled vehicles shall not be licensed as cabs :

Provided that byelaws made under the powers of this paragraph shall not—

(a) be of any effect if and so far as they conflict with the provisions of any regulations made under the Road Traffic Act 1930 ; and

(b) apply to any mechanically propelled vehicle licensed at the commencement of this Order as a hackney carriage in pursuance of the city Acts ;

- (5) For securing that every cab shall be properly equipped and kept in a proper state of repair and cleanliness ;
- (6) For requiring that every mechanically propelled cab shall be equipped with a taximeter or other similar apparatus and for regulating the fixing and testing or re-testing of every such taximeter or other apparatus and for prohibiting interference with any such taximeter or other apparatus or the causing of the same to register incorrectly ;
- (7) For the suspension or revocation of the licence in respect of a cab which at any time fails in any way to comply with the requirements of the byelaws ;
- (8) For regulating all matters affecting or relating to the safety comfort or convenience of persons hiring or using cabs and of the public ;
- (9) For regulating the number of persons to be carried by cabs and for securing the due display of the prescribed number in or on each cab ;
- (10) For regulating all matters relating to luggage carried on or in cabs and the disposal of articles found on or in cabs ;
- (11) For fixing and regulating the stances for cabs :

Provided that byelaws made under the powers of this paragraph shall not empower the Corporation to fix or regulate the stance for cabs standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission ;

- (12) For fixing the fares to be paid for cabs for securing the due publication of such fares and for providing for passengers withholding fares in prescribed circumstances ;
- (13) For fixing the distance to which drivers of cabs shall be obliged to drive but not exceeding eight miles from the Cross of Edinburgh ;
- (14) For every holder of a licence in respect of a cab supplying to any officer of the Corporation authorised in that behalf or to any constable on request being made by such officer or constable the name and address of any person who was authorised to drive such cab at any specified time within seven days before the request was made ; and
- (15) For declaring and fixing the terms and conditions on which licences shall be granted to and held by owners and drivers respectively of cabs and for specifying what shall constitute and operate as a forfeiture or revocation thereof.

18. Any person acting in contravention of any of the byelaws made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds. Penalty for contravention of cab byelaws.

19. Where any person who is the holder of—

- (a) a licence in respect of a cab ; or
(b) a cab driver's licence ;

Suspension or revocation of licence on conviction.

is convicted of an offence under this Part of this Order or under any byelaws made under this Part of this Order the judge of police may in addition to or in lieu of imposing any penalty in respect of such conviction suspend or revoke the licence in respect of such cab or the licence of such cab driver as the case may be.

20. The Twelfth Schedule to the Order of 1933 shall be read and have effect as if for the fees of two shillings and one shilling for the grant and renewal respectively of licences for drivers of hackney carriages there were substituted a fee of five shillings in each case and as if for the references to "hackney carriages" in the said schedule there were substituted references to "cabs" as defined in the section of this Order of which the marginal note is "Definition of cab." Fees for cab drivers' licences.

21.—(1) The provisions of this Part of this Order and all byelaws made under this Part of this Order shall in their application to any cab hired within the city have effect within a distance not exceeding eight miles from the Cross of Edinburgh. Application of Part II of Order and byelaws relating to cabs.

(2) All prosecutions and proceedings for offences under this Part of this Order or byelaws made under this Part of this Order shall be conducted before the judge of police whether such offences were committed within the city or not.

22. Section 253 (Cabmen's shelters) of the Order of 1933 shall be read and have effect as if for the reference to "hackney carriages" therein there were substituted a reference to "cabs" as defined in the section of this Order of which the marginal note is "Definition of cab." Amendment of section 253 of Order of 1933.

PART III

PUBLIC HEALTH

As to installa-
tion of furnaces.

23.—(1) A person shall not instal in any building whether erected before or after the commencement of this Order any furnace for the purpose of steam raising or for any manufacturing or trade purpose unless such furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and any person who after conviction of an offence of installing a furnace in contravention of those provisions uses that furnace shall unless it has been altered so as to comply with those provisions be guilty of an offence and shall be liable to a daily penalty not exceeding two pounds.

(3) (a) Where any person before installing in any building a furnace for any of the purposes aforesaid submits to the Corporation plans and specifications of the proposed furnace and furnishes them with such other necessary information with regard thereto as the Corporation may require the Corporation shall within a period of six weeks from the date on which such plans and specifications are received by them serve a notice upon such person stating whether they are or are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(b) If the Corporation are so satisfied or if they do not serve a notice upon such person before the expiration of the said period of six weeks proceedings shall not be taken against him under this section in respect of the installation of that furnace in accordance with the plans specifications and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation shall consult with the Minister of Fuel and Power.

(5) (a) The Corporation in satisfying themselves for the purposes of subsection (3) of this section as to whether or not a proposed furnace is so far as practicable capable of being operated continuously without emitting smoke ; and

(b) A court in determining whether or not there has been a contravention of the provisions of this section in regard to any furnace ;

shall have regard to cost and to local conditions and circumstances.

(6) For the purposes of this and the next succeeding section " smoke " includes soot ash grit and gritty particles.

Smokeless
zones.

24.—(1) The Corporation may by order to be confirmed by the Secretary of State prohibit the emission of smoke from any premises or classes or types of premises in any areas within the city which may be prescribed in such order.

(2) Before submitting an order under subsection (1) of this section to the Secretary of State the Corporation shall publish in the Edinburgh Gazette and in one or more newspapers published in the city a notice—

- (a) stating that such an order has been made and is about to be submitted to the Secretary of State for confirmation ;
- (b) stating the general effect of the order ;
- (c) describing the areas to which the order applies ; and
- (d) stating that within the period of twenty-eight days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Secretary of State and sending a copy of such notice to the town clerk.

(3) If objection is not duly made or if all objections so made are withdrawn then the Secretary of State may if he thinks fit confirm the order with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

(4) (a) The Corporation shall compile and keep a register of the name and address of every person owning or occupying premises within the city who at any time after the commencement of this Order by notice in writing to the town clerk requests the Corporation to serve upon the person making such request a copy of any notice published in pursuance of subsection (2) of this section.

(b) Every notice served upon the Corporation by any person under this subsection shall state the name and address of such person and shall specify the premises within the city of which such person is the owner or occupier.

(c) The Corporation shall serve upon every such person at the address entered in the said register a copy of any such notice as relates to an order affecting premises owned or occupied by any such person.

(d) The omission to serve a copy of any such last-mentioned notice on one or more of the persons (not being the whole number of such persons affected by any particular order) hereinbefore referred to shall not invalidate or prejudice any order made by the Corporation under subsection (1) of this section or the confirmation of such order by the Secretary of State.

(5) The Secretary of State may for the purposes of this section designate to the Corporation any specified body of persons as being representative of the interests of the owners or occupiers of premises used for carrying on any trade or industry in the city or of any class of such owners or occupiers and in the event of any such designation the Corporation shall before submitting an order under subsection (1) of this section to the Secretary of State consult with such body.

PART III
—cont.

(6) An order made under the foregoing provisions of this section may—

(a) in relation to any premises or class or type of premises specified in the order—

(i) provide that the premises or class or type of premises shall be excluded from the operation of the order ;

(ii) provide that the application of the order to the premises or class or type of premises shall be deferred for such period as may be specified ;

(b) provide that the application of the order to premises used for any of the following processes shall be deferred for such period as may be specified or that such premises may be excluded from the operation of the order:—

(i) the working of a mine ;

(ii) the smelting of ores and minerals ;

(iii) the calcining puddling and rolling of iron and other metals ; and

(iv) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals :

Provided that premises shall not be excluded from the operation of the order on the ground that they are used for any of the processes referred to in paragraph (b) of this subsection unless the Secretary of State is satisfied that the inclusion of the premises within the operation of the order would obstruct or interfere with any such processes.

(7) Immediately after an order made under this section has been confirmed by the Secretary of State the Corporation shall publish in one or more newspapers published in the city a notice stating that the order has been confirmed and naming a place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Secretary of State of his objection to the order appeared at the public inquiry in support of his objection but evidence of compliance with the provisions of this subsection shall not be required in any proceedings.

(8) An order made under this section shall come into operation on but not until such date as may be specified in the order which shall be not less than six months after the date of the confirmation of the order.

(9) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order made under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted arose solely from the consumption of coke anthracite or any other fuel of a type specified

by the Corporation and used in a furnace stove or other appliance which is suitable for burning such fuel and is properly maintained and used.

PART III
—cont.

(10) An order under this section may contain such provisions as the Secretary of State may think expedient—

- (a) for enabling the lessee or tenant of any premises or the lessees or tenants of any class or type of premises within the area to which the order relates who has or have to incur expense in executing works or providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the order and the owners of such premises to enter into and carry out agreements making such variations of the terms of the leases or tenancies of the premises as may be reasonable having regard to the expense to be incurred and to other relevant circumstances ; and
- (b) for enabling any lessee or tenant of any such premises who has been unable to make an agreement with the owner thereof under paragraph (a) of this subsection to apply to the sheriff for an order making such variations of the terms of the lease or tenancy of the premises as aforesaid and for enabling the sheriff to make such an order.

(11) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Secretary of State.

(12) Nothing in this section or in any order made thereunder shall apply to smoke emitted from a railway locomotive.

(13) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of any order made by the Corporation and confirmed by the Secretary of State under this section.

(14) Nothing in this section or in any order made thereunder shall apply—

- (a) to any existing generating station of the British Electricity Authority or any existing works of the Scottish Gas Board for the manufacture or storage of gas ; or
- (b) to any generating station or works for the manufacture or storage of gas permission for the construction or extension of which by the British Electricity Authority or the Scottish Gas Board (as the case may be) is granted or deemed to be granted in accordance with the provisions of the Town and Country Planning (Scotland) Act 1947.

10 & 11 Geo. 6.
c. 53.

25.—(1) As from the commencement of this section a person shall not by himself or any other person carry on the business of a hairdresser or barber on any premises in the city unless he and those premises are registered by the Corporation. Hairdressers and barbers.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of

PART III
—cont.

which he desires to be registered shall be registered in respect of those premises by the Corporation in a register kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation may charge a fee not exceeding five shillings in respect of each certificate of registration issued by them.

(4) The Corporation may make byelaws for the purpose of securing—

(a) that any premises used or to be used for the purpose of carrying on the business of a hairdresser or barber are suitable and adequate for such purpose ;

(b) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and

(c) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(5) If any person carries on business in contravention of subsection (1) of this section or contravenes or fails to comply with any byelaw made under subsection (4) of this section he shall be guilty of an offence and shall be liable on summary conviction—

(a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds ; and

(b) in the case of a contravention of or failure to comply with a byelaw to a penalty not exceeding five pounds ;

and in either case the judge of police may (in lieu of or in addition to imposing a penalty) order the suspension of his registration for such period not exceeding twelve months as the judge of police thinks fit.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(7) Where an offence under this section has been committed by a body corporate every person who at the time of the commission of the offence was a director general manager or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves—

(a) that the offence was committed without his consent or connivance ; and

(b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(8) The provisions of this section shall come into operation on but not until such date as may be fixed by a resolution of the Corporation which date shall not be earlier than the first day of January one thousand nine hundred and fifty-one.

(9) Not less than one month before the date on which the provisions of this section come into operation public notice of such date and of the effect of the provisions of this section shall be given by the Corporation by advertisement in one or more newspapers published in the city but evidence of compliance with the provisions of this subsection shall not be required in any proceedings.

(10) Applications for registration in pursuance of subsection (1) of this section may be made and such registration effected before the provisions of this section come into operation.

26. Section 73 of the Public Health (Scotland) Act 1897 shall in its application to the city be extended so as to authorise the Corporation to make byelaws with respect to—

Byelaws as to tents vans &c. 60 & 61 Vict. c. 38.

- (a) the number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land ;
- (b) the area to be allotted to each such tent van shed or similar structure ;
- (c) securing sanitary conditions in such tents vans sheds or similar structures and on any such land ;
- (d) securing a sufficient supply of wholesome water to such tents vans sheds or similar structures ;
- (e) securing the good and orderly conduct of persons frequenting any such land and of the occupiers of the tents vans sheds or similar structures situated thereon ; and
- (f) the provision of adequate lighting of such land and precautions against fire :

Provided that the byelaws made under paragraph (e) of this section shall not apply to any tents vans sheds or similar structures used or intended to be used for human habitation by a person whose regular employment or occupation is that of a circus proprietor roundabout proprietor or travelling showman (not being a pedlar or hawker) provided that such tents vans sheds or similar structures are only used in connection with his employment or occupation and that any person occupying such tents vans sheds or similar structures is not guilty of any misconduct.

PART IV

FIRE PRECAUTIONS

27.—(1) The Corporation may by notice require the owner of any building to which this section applies to affix in or on such building in such positions and within such period as may be specified in such notice plates (hereinafter referred to as “gas indication plates”) indicating the position of the valve or cock on the service pipe by which the building is supplied with gas.

Gas indication plates.

(2) Gas indication plates shall be of such size colour type and construction as may be prescribed in the notice.

(3) If a person fails to comply with a notice under this section he shall be guilty of an offence and shall be liable on summary

PART IV
—cont.

conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves affix the gas indication plates required by such notice and may recover the expenses reasonably incurred by them in so doing from the person in default.

(4) If the owner of the building alleges that any occupier should bear or contribute to—

- (a) the expenses of complying with any requirement of the Corporation under this section ;
- (b) the requirements of the section of this Order of which the marginal note is “ Gas indication plates to be maintained by owners ” ; or
- (c) any expense recoverable from him in pursuance of the section of this Order of which the marginal note is “ Power to Corporation to provide gas indication plates and recover cost from owners ” ;

he may apply to the sheriff and the sheriff after giving such occupier an opportunity of being heard may make such order as appears just and equitable in all the circumstances.

(5) This section applies to—

- (a) any building which is supplied with gas through a service pipe exceeding two inches bore ; and
- (b) any building supplied with gas through a service pipe which does not exceed two inches bore if such building is used or is to be used—
 - (i) as a place of public amusement or entertainment or for holding large numbers of people for any purpose whatsoever ;
 - (ii) as an hotel restaurant hospital boarding-house common lodging-house farmed-out house school fried-fish shop or laundry ; or
 - (iii) for any purpose which in the opinion of the Corporation gives rise to an excessive risk of fire.

Gas indication plates to be maintained by owners.

28.—(1) The owner of any building in or on which gas indication plates have been affixed in accordance with the provisions of the immediately preceding section of this Order shall maintain such plates in good order and condition and shall from time to time replace or renew any such plates when worn out by new gas indication plates of the like size colour type and construction.

(2) If a person fails to comply with the provisions of this section he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and the Corporation may replace or renew such gas indication plates and may recover the expense reasonably incurred by them in so doing from the person in default.

Power to Corporation to provide gas indication plates and recover cost from owners.

29. The Corporation may purchase suitable or standard gas indication plates and may arrange with the owners of any buildings to which the section of this Order of which the marginal note is “ Gas indication plates ” applies to affix maintain and renew such plates in or on such buildings on such terms and conditions as may be agreed upon.

30. Any person who knowingly covers or conceals or who removes alters defaces or destroys any gas indication plate affixed in accordance with the provisions of the preceding sections of this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART IV
—cont.

Penalty for interference with gas indication plates.

31. The Order of 1926 shall be read and have effect as if the following section were substituted for section 65 (Means of escape from certain buildings in case of fire) thereof:—

Means of escape from certain buildings in case of fire.

“(1) The owner of any building to which this section applies shall provide such reasonable means of escape in case of fire for persons dwelling or employed therein as the dean of guild court on the application of the procurator fiscal may order.

(2) Any person who fails to provide within one month or such longer period as the dean of guild court may allow such means of escape in case of fire as the dean of guild court may order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) This section applies to—

(a) any hotel restaurant hospital boarding-house common lodging-house farmed-out house school or fried-fish shop ;

(b) any shop store or warehouse to which members of the public are admitted and in which more than twenty person are employed ;

(c) any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

(i) is occupied as flats or tenement dwellings ; or

(ii) is used as a nursing home children's home or similar institution.

(4) Nothing contained in this section shall be deemed to interfere with the operation of sections 34 and 35 of the Factories Act 1937.”

1 Edw. 8. &
1 Geo. 6. c. 67.

32.—(1) Where upon consideration of a report by the city engineer after consultation with the firemaster the Corporation are satisfied that a building used for housing any horses cattle sheep swine dogs cats or other animals or poultry (all or any of which are hereinafter in this section referred to as “ animals ”) is not provided with proper and sufficient means of escape for the animals therein in case of fire or that the nature of the building is such or that the materials of which the building is constructed are such as to involve an undue risk to the animals housed therein in the event of fire they may serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape or to take such steps or carry out such works to minimise the risk to the animals housed in the building in the event of fire as in the circumstances of the case can reasonably be required

Fire precautions in buildings in which animals are housed.

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—cont.

and the owner shall thereupon provide the means of escape so required or take such steps or carry out such works as may be specified in the notice.

(2) Where upon consideration of a report by the city engineer after consultation with the firemaster the Corporation are satisfied that the means of escape in case of fire provided in connection with a building used for housing animals or that any precautions against the risk in the event of fire to animals housed in such building have become inadequate in consequence of any alteration in the circumstances or conditions affecting such building they may serve on the owner a notice requiring him within a reasonable time to be specified in such notice to make such alterations in the means of escape or take such steps or carry out such works as may reasonably be necessary in the circumstances of the case and if so required by such notice to provide further or other means of escape.

(3) Where any building used for housing animals is also used for the storage of combustible materials whether for the feeding or bedding of such animals or otherwise and the Corporation upon consideration of a report by the city engineer after consultation with the firemaster are satisfied that the provision construction or erection of fire-resisting walls doors fire-fighting appliances and other preventive or protective works or apparatus is necessary and reasonable with a view to minimising the risk of danger to the animals housed in such building in the event of fire they may serve on the owner a notice requiring him within a reasonable time to be specified in such notice to provide construct or erect such fire-resisting walls doors fire-fighting appliances and other preventive or protective works or apparatus as may be specified in the notice.

(4) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to make such order as he may think fit.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(5) The owner of a building used for housing animals shall notwithstanding any agreement with the tenant or occupier thereof have power to enter such building and take such steps as are necessary for complying with any notice under this section.

(6) If the owner of a building used for housing animals alleges that the tenant or occupier of such building ought to bear or contribute to the expenses of complying with any notice under this section he may apply to the sheriff and thereupon the sheriff after giving the tenant or occupier an opportunity of being heard may make such order as appears to him just and equitable in all the circumstances of the case.

(7) (a) All structural works carried out under the provisions of this section shall at all times be maintained and kept by the occupier of the building in good and efficient condition to the satisfaction of the city engineer.

(b) All fire extinguishing apparatus provided in accordance with the provisions of this section shall at all times be maintained and kept by the occupier of the building in good and efficient condition to the satisfaction of the firemaster

(8) For the purposes of this section the city engineer and any other officer of the Corporation or fireman designated by the Corporation may on producing if required some duly authenticated document showing his authority enter and inspect any building used for housing animals and any person who obstructs or interferes with the city engineer or any such other officer or fireman or refuses to give all reasonable facilities for the purposes of such inspection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(9) Any person who contravenes the provisions of this section or who without lawful cause (the onus of showing such cause being on such person) fails to comply with such provisions or with any notice given thereunder shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

33.—(1) Where upon consideration of a report by the city engineer after consultation with the firemaster the Corporation are satisfied that the storage of combustible materials whether for the feeding or bedding of animals or otherwise in any building used for housing animals constitutes or is likely to constitute a danger to such animals in the event of fire they may serve on the owner a notice requiring him within a reasonable time to be specified in such notice to comply with such requirements as to the storage of such materials as the notice may prescribe.

Storage of combustible materials in buildings in which animals are housed.

(2) The provisions of subsection (4) of the section of this Order of which the marginal note is "Fire precautions in buildings in which animals are housed" shall extend and apply with respect to any notice given by the Corporation in pursuance of this section.

(3) Any person who without lawful cause (the onus of showing such cause being on such person) fails to comply with any notice given under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) For the purposes of this section "animals" has the same meaning as in the section of this Order of which the marginal note is "Fire precautions in buildings in which animals are housed."

34.—(1) The Corporation may by notice require the occupier of any building to which this section applies to provide in such building within such period as may be specified in such notice such portable efficient and adequate fire extinguishing apparatus and appliances as may be specified in such notice.

Fire appliances in certain buildings.

(2) The fire extinguishing apparatus and appliances provided in any building in accordance with the provisions of this section shall at all times be maintained and kept by the occupier of such building in good and efficient condition to the satisfaction of the firemaster.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section or who acts in contravention of the provisions of subsection (2) of this section shall

PART IV
—cont.

be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to make such order as he may think fit.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(5) This section applies to—

(a) any hotel restaurant hospital boarding-house common lodging-house farmed-out house school or fried-fish shop; and

(b) any shop store or warehouse to which members of the public are admitted and in which more than twenty persons are employed.

PART V

FINANCE AND RATING

A.—Application of Local Government (Scotland) Act 1947

Commencement of head A of Part V of Order.

35. The provisions contained in this head of this Part of this Order shall be deemed to have come into operation on the twenty-ninth day of May one thousand nine hundred and fifty.

Interpretations in head A of Part V of Order.

36. In the provisions contained in this head of this Part of this Order words and expressions to which meanings are assigned by the Act of 1947 shall have the same respective meanings.

Application of certain provisions of Act of 1947 and repeal of certain provisions of city Acts.

37. The provisions of Part IX (other than section 188) and of Part XI (other than subsection (3) of section 229 and section 239) of the Act of 1947 shall so far as relating to town councils and to burghs and except in so far as amended modified varied or extended by this Part of this Order extend and apply to the Corporation and to the city in addition to the provisions of the Act of 1947 now applicable to the Corporation and to the city and the provisions of the city Acts set out in Part I of the Fourth Schedule to this Order shall cease to apply to the Corporation and to the city and are hereby repealed.

City rate.

38.—(1) In its application to the city the Act of 1947 shall be read and have effect as if for the words “burgh rate” wherever they occur there were substituted the words “city rate” and any reference to the “burgh rate” in any other enactment applicable to the city shall be deemed to be a reference to the “city rate”:

Provided that notwithstanding anything in the provisions contained in this head of this Part of this Order the demand notes for payment of the city rate for the financial year of the Corporation commencing on the twenty-ninth day of May one thousand nine hundred and fifty shall be valid in all respects if issued in or as nearly as may be in the form in which the demand notes for payment of the burgh assessments were issued for the preceding financial year of the Corporation.

(2) The city Acts shall be read and have effect as if for the words “burgh assessments” wherever they occur there were substituted the words “city rate”.

39. In its application to the city the Act of 1947 shall be read and have effect as if for the words "town chamberlain" wherever they occur there were substituted the words "city chamberlain".

Designation of
city chamber-
lain.

40. The financial year of the Corporation shall be the year commencing on the twenty-ninth day of May and ending on the twenty-eighth day of May in the year immediately following.

Financial year.

41. Subject to the provisions of the Water (Scotland) Act 1949 and the Edinburgh Corporation Water Acts and Orders 1621 to 1949 the expenditure of the Corporation in exercising functions under any public general Act and in carrying out the provisions of the city Acts or any other Act or Order of or relating to the Corporation shall so far as not otherwise met be defrayed out of the city rate.

Expenditure
payable out
of city rate.
12 & 13 Geo. 6.
c. 31.

42. Such portion of the city rate as is levied to defray the expenditure (so far as not otherwise met) under the heads set out in the First Schedule to this Order shall be payable by occupiers only:

Incidence of
city rate
between owners
and occupiers.

Provided that the Corporation may in any year transfer to another appropriate head or other appropriate heads of expenditure of the Corporation such portion as they may deem appropriate of the expenditure incurred by them in such year on or in connection with watching.

43.—(1) The Corporation shall not levy the city rate in respect of—

City rate not to
be imposed on
church halls &c.

(a) halls offices and premises connected with churches chapels or meeting places and belonging to or held by the religious body for or on behalf of whom such churches chapels or meeting places are held or used; and

(b) halls belonging to or held by a religious body and used partly for public religious worship and partly for religious charitable or educational purposes connected with such religious body;

where and so long as such halls offices and premises are used exclusively for religious charitable or educational purposes.

(2) The exemption conferred by this section shall continue notwithstanding the occasional use of such halls offices and premises for other than religious charitable or educational purposes where such use is granted gratuitously or subject only to a reasonable payment in respect of cleaning heating lighting or other services where profit is not derived from such payment.

(3) This section shall not apply as regards the owner's portion of the city rate where in respect of such halls offices and premises the owner receives rent therefor and does not himself occupy the same.

(4) Where halls offices or premises to which this section applies form part of other subjects and are not separately entered in the valuation roll the annual value of such subjects shall be apportioned by the city assessor in the assessment roll according to the use thereof for the purposes of such halls offices or premises and the use thereof for other purposes:

Provided that any person aggrieved by any such apportionment may appeal to the sheriff and the decision of the sheriff on any such appeal shall be final.

PART V
—cont.

Fractional parts
of a pound of
rateable value.

44. Notwithstanding anything contained in any Act there shall not be entered in the assessment roll for the city made up in accordance with the provisions of section 233 of the Act of 1947 any fractional part of a pound of rateable value and when such fractional part does not amount to ten shillings the same shall not be entered in the assessment roll and when such fractional part amounts to or exceeds ten shillings the same shall be entered as one pound of rateable value in addition to the actual number of pounds of rateable value.

Fractions of a
penny of rates.

45. In imposing the city rate the Corporation shall not be bound to fix any rate which includes a fractional part of a penny.

Application of
section 212 of
Act of 1947.

46. In its application to the city section 212 of the Act of 1947 shall be read and have effect as if in subsection (1)—

(a) for the words “(after taking account of any balance or estimated balance at the end of the last financial year)” there were substituted the words “(due provision being made for any surplus or deficiency on the accounts of the year preceding)” ; and

(b) the words “to cover expenditure previously incurred or” were omitted therefrom.

Application of
section 231 of
Act of 1947.

47. In its application to the city section 231 of the Act of 1947 shall be read and have effect as if for the words “office as the authority may” there were substituted the words “places as the authority may from time to time”.

Application of
section 247 of
Act of 1947.

48. In its application to the city section 247 of the Act of 1947 shall be read and have effect as if—

(i) the word “rates” included any additional rate per pound of rateable value by way of penalty incurred in accordance with the provisions of section 117 (Penalty for non-payment) of the Order of 1932 ; and

(ii) the words “(other than goods or effects deposited in the ordinary course of business with such person for repair or storage)” were inserted after the words “in the lawful possession of such person” in paragraph (a) of subsection (2).

Exemptions or
abatements from
city rate.

49. Notwithstanding any enactment to the contrary the following provisions shall apply and have effect with respect to exemptions or abatements from the city rate (that is to say):—

(1) Only such portion of the city rate shall be leviable in respect of the lands and heritages set out in column 1 of Part I of the Second Schedule to this Order as remains after deduction of the appropriate percentage set out in columns 2 3 or 4 of the said schedule opposite to the said lands and heritages :

(2) Only such portion of the city rate shall be leviable in respect of the lands and heritages set out in column 1 of Part II of the Second Schedule to this Order as remains after deduction of the appropriate percentage set out in column 2 3 or 4 of the said schedule opposite to the said lands and heritages Provided that the deduction under this

subsection shall only be made in the case of lands and heritages occupied and used by bodies or persons who in respect of lands and heritages occupied and used by them before the sixteenth day of May one thousand nine hundred and thirty-two were exempt from the city rate in whole or in part on the ground that such lands and heritages were occupied and used solely for the purposes of public charity:

(3) The following provisions shall extend and apply to the deductions provided for in the foregoing subsections of this section and the said schedule:—

(i) The deduction in respect of the lands and heritages forming Nos. 2 3 4 and 5 in Part I of the Second Schedule to this Order shall continue only while and so long as the said lands and heritages are used solely for ecclesiastical purposes;

(ii) The deduction in respect of the lands and heritages within the Granton Harbour limits shall extend and apply to the Duke of Buccleuch and his successors as owners and occupiers of the lands and heritages within the Granton Harbour limits as defined in the Ninth Schedule to the Edinburgh Boundaries Extension and Tramways Act 1920 and his and their tenants as occupiers of lands and heritages within the said limits but only so long as the said harbour exists and is used as a harbour or docks;

(iii) The deduction in respect of the harbour and docks of Leith shall extend and apply to lands and heritages now or hereafter vested in the Leith Dock Commission other than any lands and heritages which for the time being are let to or are in the occupation of their tenants.

50. The portion of the city rate payable by owners shall be due and payable whether or not the lands and heritages in respect of which the same have been levied have been let or occupied during the year of assessment.

Assessment of
unlet or
unoccupied
property.

51. Without prejudice to any other remedies for the recovery of rates the Corporation may on default of payment by any owner collect and recover such owner's portion of the city rate and any statutory penalty incurred in respect thereof from the occupiers and on payment thereof such occupiers may deduct the same from the rent payable or to become payable to such owner.

Collection from
occupier on
default of
owner.

52.—(1) In the event of there being any deficiency of revenue in any year in the accounts of the tramway undertaking which cannot otherwise be provided for under the enactments in force applicable to such undertaking the Corporation shall fix and determine the amount of such deficiency to be met out of the city rate and thereafter such amount shall be payable out of the city rate.

Deficiency or
surplus on
tramway
undertaking.

(2) In the event of there being any surplus of revenue in any year in the accounts of the tramway undertaking such surplus may be credited to the city rate.

(3) For the purposes of this section "tramway undertaking" has the same meaning as in the Order of 1932.

PART V

—cont.

*B.—Miscellaneous financial provisions*Power to lend
to educational
establishments.

53.—(1) Section 163 (Power to lend to certain bodies) of the Order of 1932 as amended by section 355 (Amendment of section 163 of Order of 1932) of the Order of 1933 shall be read and have effect as if the words “or to the managers of any educational establishment in the city” were inserted in subsection (1) thereof immediately after the words “adjoining local authority”.

9 & 10 Geo. 6.
c. 72.

(2) For the purposes of this section the expressions “managers” and “educational establishment” have the meanings respectively assigned to them by section 143 of the Education (Scotland) Act 1946.

Power to pay
expenses of
public
ceremonies &c.

54. The Corporation may from the burgh fund as part of the expenditure in respect of such undertakings or services of the Corporation as they may deem appropriate pay—

- (a) reasonable expenses in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing ;
- (b) reasonable expenses in connection with the reception and entertainment by way of official courtesy of persons visiting the city ; and
- (c) reasonable expenses in connection with the conferring of the freedom of the city on any person and in providing suitable addresses and gifts on such occasions :

Provided that the Corporation shall in any year apply towards the expenditure incurred under this section the free surplus on revenue account in the common good available in that year.

General
reserve fund.

55. The general reserve fund established and maintained by the Corporation in pursuance of section 167 (Creation of reserve or renewal funds) of the Order of 1932 may be applied by the Corporation in defraying any expenditure of the Corporation which might be met out of the city rate or any other rate which the Corporation have power to levy.

Borrowing for
purposes of
Order.

56. The Corporation may from time to time borrow such sums of money as may be necessary for the purposes of this Order or any of them to which capital is properly applicable and for which borrowing powers have not been otherwise granted or provided for and the provisions of the city Acts in respect of money borrowed and to be borrowed and the security therefor and the redemption thereof by means of a sinking fund and the provisions of section 333 (As to exercise of borrowing powers) of the Order of 1933 shall apply to money to be borrowed under the provisions of this section.

As to
expenditure for
purposes of
Order.

57. All expenditure incurred by the Corporation in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder and not otherwise recovered as provided in this Order shall be paid out of the burgh fund and shall be deemed to be expenditure payable out of the city rate under the appropriate head.

PART VI

VALUATION OF LANDS AND HERITAGES

58.—(1) Notwithstanding anything to the contrary contained in the Valuation Acts the valuation roll for the city shall be made up as from the twenty-ninth day of May in each year to the twenty-eighth day of May in the following year and the Valuation Acts in their application to the city shall be read and construed accordingly.

Valuation
roll year.

(2) For the purposes of this section rent payable as from Whitsunday in one year to Whitsunday in the following year shall be deemed to be rent payable as from the twenty-ninth day of May in one year to the twenty-eighth day of May in the following year.

59. In its application to the city section 4 of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the word “twenty-fifth” were substituted for the word “fifteenth” occurring therein so that in its application to the city that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament read as follows:—

Date for
completion of
valuation roll.
17 & 18 Vict.
c. 91.

“In every county and burgh a new valuation roll shall be annually made up by the assessors on or before the twenty-fifth day of August in every year”.

60. In its application to the city section 5 of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words—

Date for
issuing notices.

- (1) “whether or not he has so appealed” were substituted for the words “without the necessity of such appeal” occurring therein;
- (2) “and in such case any appeal taken by such person shall be deemed to have been abandoned” were inserted between the words “well-founded ground of complaint” and “and” occurring therein;
- (3) “at” were inserted between the words “the same” and “or sending” occurring therein;
- (4) “to his usual place of business or to” were substituted for the word “at” first occurring therein; and
- (5) “the place of business or” were inserted between the words “and where” and “the residence” occurring therein;

so that in its application to the city that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament read as follows:—

“On or before the twenty-fifth day of August, and not earlier than the fifteenth day of July in each year, the assessor shall transmit or cause to be transmitted to each person included in his valuation, whether as proprietor or tenant or occupier, a copy of every entry in such valuation roll wherein such person shall be set forth either as proprietor or tenant or occupier, along with a notice to such person that if he considers himself aggrieved by such valuation he may appeal against the same to the county council of the county or to the magistrates of the burgh, as the case may be, in terms of this Act, or may obtain redress whether or not he has so appealed by satisfying the

PART VI
—cont.

assessor, on or before the eighth day of September in each year, that he has well-founded ground of complaint and in such case any appeal taken by such person shall be deemed to have been abandoned; and such copy and notice may be served by handing the same to such person personally, or leaving the same at or sending it through the post office to his usual place of business or to his residence or usual place of abode; and where the place of business or the residence or place of abode of such person is unknown, it shall be sufficient if service be made as aforesaid upon his factor or agent, or be addressed to him at the office of the county clerk of the county or town-clerk of the burgh, as the case may be: Provided always, that where, in making up his valuation as aforesaid, the assessor is merely to repeat an entry which occurred in the valuation of the immediately preceding year, it shall not be necessary for the assessor to transmit such copy and notice as aforesaid to the person or persons specified in such merely repeated entry”.

Dates for
appeal courts.
8 Edw. 7. c. 62.

61.—(1) In its application to the city section 8 of the Lands Valuation (Scotland) Act 1854 as amended by section 7 (1) of the Local Government (Scotland) Act 1908 shall be read and have effect as if the words—

- (a) “thirtieth but not earlier than the fifteenth day of September” were substituted for the words “nineteenth but not earlier than the tenth day of September” occurring therein; and
- (b) “thirty-first day of October” were substituted for the words “thirtieth day of September” occurring therein;

so that in its application to the city that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament read as follows:—

“The county council of every county and the magistrates of every burgh shall annually on or before the thirtieth but not earlier than the fifteenth day of September in each year hold a Court for hearing appeals against valuations made by such assessors as aforesaid under this Act, of which ten days’ notice shall be given which Court may be adjourned from time to time, and at such Court, and at latest on or before the thirty-first day of October in each year, all such appeals and complaints under this Act shall be disposed of; and such Courts or adjourned Courts of Appeal shall be held in such and as many places within such county and burgh respectively as such county council and magistrates respectively shall appoint”.

30 & 31 Vict.
c. 80.

(2) In its application to the city section 7 of the Valuation of Lands (Scotland) Amendment Act 1867 shall be read and have effect as if the words—

- (a) “third day of September” were substituted for the words “tenth day of September” occurring therein; and
- (b) “thirty-first day of October” were substituted for the words “thirtieth day of September” occurring therein;

so that in its application to the city that section shall subject always

to any alteration modification or amendment thereof made by any other Act of Parliament read as follows:—

PART VI
—cont.

“ All appeals or complaints against any entry in the valuation rolls made up in terms of the said recited Acts and of this Act, either by the assessors appointed by the county council of any county, or by the magistrates of any burgh, or by the assessor of railways and canals, shall, except as after provided be lodged not later than the third day of September in each year, and every such appeal or complaint shall, except as aforesaid, be heard and determined not later than the thirty-first day of October in each year ”.

62. In its application to the city section 9 of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words “ not later than the third day of September lodge an appeal in writing with the assessor ” were substituted for the words “ six days at least before such appeal is heard intimate in writing to the assessor that he is to maintain such appeal ” occurring therein so that in its application to the city that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament read as follows:—

Lodging of
appeals.

“ All persons whose names shall have been entered by the assessors in the valuation roll of the county or burgh respectively, whether as proprietors or tenants or occupiers, shall be entitled to appeal to the said county council or magistrates, as the case may be, with reference to such entry: Provided always, that the appellant shall not later than the third day of September lodge an appeal in writing with the assessor and specify the amount of valuation which he alleges should be substituted for the amount stated by the assessor ”.

63. In its application to the city—

(a) section 1 of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words “ and designations ” were omitted therefrom ;

Omission of
designations of
owners &c.
from valuation
roll.

(b) section 30 of the said Act shall be read and have effect as if the words “ or designation ” were omitted therefrom.

64. Notwithstanding the provisions of the Valuation Roll (Scotland) Order 1929 it shall not be necessary to include pence in the column of the valuation roll of the city of which the heading is “ Gross annual value being yearly rent or value ”.

Pence not to be
entered in
valuation roll.

65. The sections of this Order of which the marginal notes are hereinafter set forth shall come into operation on the first day of January one thousand nine hundred and fifty-one (that is to say):—

Commencement
of certain
provisions of
Part VI of
Order.

“ Date for completion of valuation roll ” ;

“ Date for issuing notices ” ;

“ Dates for appeal courts ” ; and

“ Lodging of appeals ”.

PART VII

SUPERANNUATION

Amendment of
section 55 of
Order of 1933.

66. Subsection (2) of section 55 (Actuarial investigation of superannuation fund) of the Order of 1933 is hereby repealed and the said section of the Order of 1933 shall be read and construed as if the following were included therein as subsection (2) thereof (that is to say):—

“(2) (a) Where on any such valuation the actuary certifies that a deficiency or a disposable surplus is disclosed the Corporation shall submit to the Secretary of State a scheme for making good the deficiency by the Corporation or (as the case may require) for disposing of the surplus by reducing the payments by the Corporation into the superannuation fund.

“(b) Any scheme under this section for the making good by the Corporation of a deficiency may provide for such deficiency being made good—

“(i) by an annual payment over a period of forty years from the date of such valuation (charged upon the same rates revenues and accounts as those upon which are charged the salaries or wages from which the contributions of officers and servants are deducted);

“(ii) out of the general reserve fund established and maintained by the Corporation in pursuance of section 167 (Creation of reserve or renewal funds) of the Order of 1932 or out of any other accumulated funds at the disposal of any department of the Corporation; or

“(iii) by borrowing.

“(c) The provisions of the Edinburgh Corporation Acts 1924 to 1949 in respect of money borrowed or to be borrowed the security therefor and the redemption thereof by means of a sinking fund shall apply to money borrowed under the provisions of this subsection Provided that notwithstanding anything in section 127 (Redemption of moneys borrowed) of the Order of 1932 any money borrowed under this subsection shall be repaid within forty years from the date of borrowing”.

Amendment of
section 68 of
Order of 1933.

67. Section 68 (Temporary sickness or disablement &c.) of the Order of 1933 shall be read and have effect as if the words “(and in such event such officer or servant shall for the purposes of section 50 (Scale of superannuation allowance) of this Order be deemed to have received the normal salary or wages which he would have received but for such temporary inability to perform his duties)” were inserted after the words “normal salary or wages had been paid during such period”.

Admission of
employees of
approved
schools to
superannuation
scheme.

68.—(1) The Corporation may on such terms and conditions as they think fit and with the approval of the Secretary of State make and carry into effect agreements with the managers of any approved school within the city for admitting the whole-time employees of such managers or any of them to participate in the benefits of the superannuation fund of the Corporation.

(2) In any case in which an agreement is made under subsection (1) of this section the provisions of—

PART VII
—cont.

- (i) Part IV of the Order of 1933 (as amended by the Edinburgh Corporation (Tramways. &c.) Order 1935 the Edinburgh Corporation Order 1937 and this Order);
- (ii) the Edinburgh Corporation (Superannuation) Modification Scheme 1939; and
- (iii) the scheme (No. 3) under section 55 (Actuarial investigation of superannuation fund) of the Order of 1933 for making good an actuarial deficiency and for other purposes;

shall apply to the employees to which such agreement relates as if they were in the service of the Corporation subject however to such modifications thereof as may be specified in such agreement.

(3) "Approved school" has the like meaning as in the Children and Young Persons (Scotland) Act 1937 and "managers" shall be construed accordingly. 1 Edw. 8. &
1 Geo. 6. c. 37.

PART VIII

MISCELLANEOUS

69. The following provisions shall notwithstanding the provisions of the Act of 1947 apply and have effect within the city (that is to say):— Filling up
casual vacancies
in Corporation.

(1) In the case of any vacancy in the number of members of the Corporation for any municipal ward in the city occurring from any cause in the course of the year such vacancy shall be filled up by the electors of the ward and such election and the nomination of candidates shall be made and conducted and the costs and charges defrayed in all respects as at the annual election held on the first Tuesday in May provided that—

(a) the town clerk shall as soon as conveniently may be after the occurrence of the vacancy insert in one or more newspapers published in the city a notice of such vacancy;

(b) the nominations of candidates by the electors of the ward shall be lodged with the town clerk not later than four of the clock afternoon of the sixth day after the notice of the vacancy is given;

(c) a nomination shall not be withdrawn after four of the clock afternoon of the ninth day after the notice of the vacancy is given;

(d) if the number of persons nominated and not subsequently withdrawn does not exceed one that person shall be held to be duly elected to fill the vacancy on the expiry of the period for lodging nominations or withdrawals as the case may be;

(e) if the number of persons nominated and not subsequently withdrawn exceeds one the election shall take place on a day to be appointed by the Corporation

PART VIII
—cont.

of which notice shall be given in one or more of such newspapers but shall not take place sooner than the sixth day after the publication of such notice ;

(f) the person elected to fill the vacancy shall hold the office of councillor during the period which the person last vacating such office might lawfully have held it ;

(g) if such vacancy occurs within three months before the first date for the issue of the notice of election in respect of the next ensuing annual election the vacancy shall be filled up at such annual election unless the Corporation resolve that the vacancy shall be filled up by an election held under the preceding provisions of this section :

- (2) In the case of any vacancy in the number of members of the Corporation for any municipal ward in the city occurring by reason of any such member resigning his office and intimating that he desires his resignation to take effect at the date of the next ensuing annual election or where a vacancy occurs within three months before the first date for the issue of the notice of election in respect of the next ensuing annual election unless the Corporation under the provisions of the preceding subsection resolve that the vacancy shall be filled up by an election held under the provisions of that subsection any such vacancy shall be filled up at such annual election and where on that account or for any other reason more than one member of the Corporation requires to be elected for the ward at such annual election the following provisions shall apply and have effect with respect to the duration of office and order of retiral of the members so elected for the ward (that is to say) :—

(a) Where the number of members to be elected for the ward at such annual election is three the duration of office and order of retiral of such members shall be determined according to the number of votes received by them respectively and the member who received the smallest number of votes shall be first in the order of retiral the member who received the next smallest number of votes shall be second in the order of retiral and the member who received the largest number of votes shall be last in the order of retiral ;

(b) Where the number of members to be elected for the ward at such annual election is two the duration of office and order of retiral of such members shall be determined according to the number of votes received by them respectively and the member who received the larger number of votes shall be last in the order of retiral for that ward and the member who received the smaller number of votes shall continue in office for one or two years according as the remaining member for the ward who was elected before such annual election does or does not fall to retire in ordinary course at the following annual

election in May and the period of office of such remaining member shall not be affected by reason of the two other members for the ward having been elected at one and the same time ;

(c) In the event of there not having been a contest or of there having been an equality of votes at such annual election the Corporation shall decide by lot the order of retiral at a meeting to be held as soon as conveniently may be after such annual election and not later than the month of March immediately preceding the next ensuing election :

- (3) Paragraphs (c) (d) (e) (f) and (g) of article 2 of the Edinburgh Corporation (Amendment of Local Act) Order 1948 are hereby annulled.

70.—(1) In addition to the powers conferred on the Corporation by section 278 (Waverley Market) of the Order of 1933 the Corporation may as part of the common good erect and maintain new buildings on the site of the Waverley Market referred to in the said section on the ground belonging to the Corporation lying between the said site and Waverley railway station and over that rectangular portion of ground belonging to the commission and forming part of Waverley railway station extending to six hundred and sixty-two superficial yards or thereby bounded on the west by the Waverley Bridge along which it extends forty-three feet six inches or thereby and on the north by the wall bounding on the south the access from the Waverley Bridge to Waverley Market along which it extends one hundred and thirty-seven feet or thereby as the said rectangular portion of ground is shewn coloured red on the plan annexed and signed as relative to the minute of agreement between the Corporation on the one part and the London and North Eastern Railway Company on the other part dated the seventh and nineteenth days of July one thousand nine hundred and thirty-eight and registered in the books of council and session on the twenty-eighth day of July one thousand nine hundred and thirty-eight over which rectangular piece of ground the Corporation have right to erect the said new buildings by virtue of the said minute of agreement and may use or let such new buildings or any part thereof for any purpose they think fit.

Provisions as
to Waverley
Market.

(2) Notwithstanding anything contained in any Act or in any deed or other writing and without prejudice to any rights and powers otherwise competent to them the Corporation in altering reconstructing or adapting the building and premises known as the Waverley Market or in erecting any new buildings on and over the areas of ground specified in the immediately preceding subsection under the powers of this section may raise the height of the altered reconstructed or adapted building or may erect any such new buildings to a height above the existing level of the south foot-pavement of Princes Street *ex adverso* such altered reconstructed or adapted building or such new buildings of—

- (a) fifteen feet in the case of that part of the buildings occupying that part of the areas of ground specified in the immediately

PART VIII
—cont.

preceding subsection which is situated within the area bounded as follows:—

By a line commencing at a point on the east side of the Waverley Bridge forty-three feet six inches south of the north boundary of the Waverley railway station thence in a northerly or north-westerly direction along the east side of the Waverley Bridge to a point fifty-five feet north of the north boundary of the Waverley railway station thence in an easterly or north-easterly direction in a line parallel to the north boundary of the Waverley railway station to a point sixty feet west of the west wall of the North British station hotel thence in a southerly or south-easterly direction in a line parallel to the west wall of the North British station hotel for a distance of fifty-five feet to the north boundary of the Waverley railway station thence in a westerly or south-westerly direction along the north boundary of the Waverley railway station to a point one hundred and thirty-seven feet east of the Waverley Bridge thence again in a southerly or south-easterly direction in a line parallel to the east side of the Waverley Bridge for a distance of forty-three feet six inches to a point within the area of the Waverley railway station one hundred and thirty-seven feet east of the Waverley Bridge and thence in a westerly or south-westerly direction in a line parallel to the north boundary of the Waverley railway station for a distance of one hundred and thirty-seven feet to the point of commencement before mentioned;

- (b) four feet in the case of that part of the buildings occupying the remainder of the areas of ground specified in the immediately preceding subsection:

Provided that as regards the erection or placing by the Corporation of such ornamental features as they may think fit on the roof of Waverley Market as altered reconstructed adapted or rebuilt or on the roof of any new buildings erected under the powers of this section such ornamental features may be erected or placed so as to rise above the four feet above mentioned.

(3) Nothing in this section shall prejudice the provisions of the said minute of agreement between the Corporation and the London and North Eastern Railway Company.

Removal of
furniture &c.
from streets.

71.—(1) The Corporation may remove and store any furniture articles goods or materials (hereinafter in this section referred to as “articles”) which may have been placed or dropped (whether accidentally or otherwise) in or upon any street in the city and which—

- (a) may have remained there for more than forty-eight hours;
or
(b) are likely to cause an obstruction;

and the Corporation shall not be liable for any loss or damage caused by such removal or storage.

(2) If the Corporation remove any articles under the powers of this section—

PART VIII
—cont.

- (a) they shall if and as soon as it is reasonably practicable notify the person whom they believe to be the owner thereof ;
- (b) on the expiry of fourteen days from the date of such notification or three months from the day on which they removed such articles whichever shall first occur the Corporation may—
 - (i) sell such articles ; or
 - (ii) if in the opinion of the Corporation or any officer of the Corporation authorised by them in that behalf such articles have not a saleable value they may cause such articles to be destroyed or otherwise disposed of ;
- (c) where the Corporation sell any articles under the powers conferred on them by this section they shall pay the proceeds to the person to whom such articles belonged after deducting the amount of any expenses reasonably incurred by them in relation to the removal storage and sale of such articles :

Provided that in any case where the owner is unknown or his whereabouts cannot be ascertained if on the expiry of twelve months from the date of any such sale such proceeds have not been claimed by the owner the right of the owner to such proceeds shall lapse and such proceeds shall vest in the Corporation and shall be applied by them in such manner as they may think fit.

72. The Eleventh Schedule to the Order of 1933 shall be read and have effect as if for the amount “ £0 0s. 1d.” set forth opposite head (5) of Table I of the said schedule being the poll tax or entrance duty from every person entering the market-place and for each time he shall so enter there were substituted the words “ such amount as the Corporation may from time to time determine.”

Increase of charges at the corn market.

73.—(1) Notwithstanding anything contained in the minute of agreement set out in the Third Schedule to the Edinburgh Corporation Order 1916 the obligations undertaken by the Corporation in terms of the said agreement to administer and carry on the farm colony therein mentioned and known as “ the Polton Farm Colony ” shall cease and determine and shall be deemed to have so ceased and determined on the twenty-eighth day of June one thousand nine hundred and forty-one (on which date the said farm colony was temporarily discontinued by the Corporation) and the Corporation are hereby freed and relieved as from that date of all duties liabilities and obligations in respect of the said farm colony arising out of the said agreement or otherwise in connection therewith.

Discontinuance and sale of Polton Farm Colony.

(2) The disposition and assignation of the subjects comprising the said farm colony by the Corporation with consent of the trustees of the Royal Victoria Hospital Tuberculosis Trust in favour of Henry Alexander of Priorwood Lasswade in the county of Midlothian dated the first second and fifth and recorded in the division of the general

PART VIII
—cont.

register of sasines for the county of Midlothian on the thirtieth all days of July one thousand nine hundred and forty-eight is hereby sanctioned and confirmed.

Vesting in Corporation of property of former Education Authorities of Edinburgh and Leith.

74.—(1) For the avoidance of doubt it is hereby declared that all properties and assets which belonged to or were vested in or held in trust for the former education authority of the city of Edinburgh and the former education authority of the burgh of Leith as such education authorities existed immediately before the fifteenth day of May one thousand nine hundred and twenty-one shall for all purposes be deemed as at the said date to have been transferred to and vested in the former education authority of the city of Edinburgh as constituted by section 71 (Education areas) of the Edinburgh Boundaries Extension and Tramways Act 1920 and accordingly that such properties and assets in so far as immediately before the sixteenth day of May one thousand nine hundred and thirty they belonged to or were vested in or held in trust for the said former education authority of the city of Edinburgh as constituted by section 71 of the said last-mentioned Act shall for all purposes be deemed to have been transferred to and vested in the Corporation in pursuance of the Local Government (Scotland) Act 1929.

19 & 20 Geo. 5.
c. 25.

(2) For the purpose of enabling the Corporation to complete a title if thought fit to any part of the lands buildings and other heritable property included in the properties and assets referred to in subsection (1) of this section by expeding a notarial instrument or notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands buildings and other heritable property in favour of the Corporation.

Surplus fire fund.

75.—(1) The surplus fire fund shall continue vested in the Corporation and the Corporation may use and apply the surplus fire fund—

- (a) for the relief of any persons suffering serious bodily injury or of the dependants of persons who have lost their lives or have suffered serious bodily injury in or in connection with fires occurring within the city ; and
- (b) for making awards or grants to persons who have rendered meritorious services (including in particular the saving of life) in or in connection with such fires.

(2) For the purposes of this section “ the surplus fire fund ” means the fund raised by voluntary subscriptions to relieve the sufferers by a great fire which occurred in the city in the year one thousand eight hundred and twenty-four and includes any accumulations thereof in the hands of the Corporation.

Transfer of balance of city militia account to common good.
17 & 18 Vict.
c. 106.

76. Whereas for the purpose of implementing the duty imposed on them by the Militia (Scotland) Act 1854 the Corporation as commissioners of supply of the county of the city of Edinburgh took a lease from themselves as governors of Trinity Hospital of a piece of ground at Albion Road in the city for a period of eighty years from Martinmas one thousand eight hundred and sixty-five at an annual rent of forty pounds and erected thereon certain buildings for storing arms accoutrements clothing and other stores belonging to the militia :

And whereas in the year one thousand eight hundred and seventy-six the said buildings were transferred by the Corporation as commissioners of supply as aforesaid to the War Department and it was agreed that during the remainder of the lease the War Department should pay to the Corporation as commissioners of supply as aforesaid an annual rent of one hundred and twenty-three pounds and it was also arranged that the Corporation should continue to pay to the governors of Trinity Hospital the said annual rent of forty pounds and that the balance should be credited to the city militia account kept by the Corporation:

And whereas the obligations of the War Department under the said lease have since been assumed by the territorial army and air force association of the county of the city of Edinburgh:

And whereas in the year one thousand nine hundred and thirty-nine by agreement with the said territorial army and air force association the existing lease was cancelled and a new lease (dated the fifth and twenty-eighth days of October one thousand nine hundred and forty-three) of the said ground and buildings was entered into between the said territorial army and air force association and the Corporation as governors of Trinity Hospital:

And whereas the amounts paid into the said city militia account in pursuance of the aforesaid arrangements in respect of the said buildings have far exceeded the outgoings on the said account and the surplus standing to the credit of the Corporation in the said account at the twenty-eighth day of May one thousand nine hundred and forty-nine amounted to the sum of four thousand nine hundred and forty-one pounds eighteen shillings and sixpence:

And whereas it is no longer necessary to continue the said city militia account and it is expedient that the said city militia account should be closed and that the balance thereof should be transferred to and administered by the Corporation as part of the common good:

Be it therefore enacted that the amount standing at the credit of the city militia account at the commencement of this Order shall be and is hereby by virtue of this Order transferred to and shall form part of the common good and the Corporation are hereby authorised to close the said city militia account.

77. The Corporation may as part of the general expenses of the Corporation pay expenditure reasonably incurred by the clerk to the lieutenancy of the county of the city of Edinburgh and liberties thereof in relation to the duties of such lieutenancy.

Power to Corporation to pay expenses of clerk to lieutenancy.

78. Whereas by the Edinburgh Extension Act 1856 the ancient burgh of regality of Canongate was annexed to the city and an arrangement was made between the Corporation and the town council of the said burgh as to the future administration of the property belonging to the said burgh comprising feu duties and others (in this section referred to as the "Canongate Old Burgh revenues") and in pursuance of such arrangement the Corporation by a bond dated the fifteenth day of July one thousand eight hundred and fifty-six undertook (inter alia) "to disburse and expend the

Canongate Old Burgh revenues. 19 & 20 Vict. c. xxxii.

PART VIII
—cont.

free yearly proceeds of that portion of the Revenues of the Burgh of Canongate arising from the duties and casualties pertaining to the Rights of Superiority belonging to the Magistracy of that Burgh transferred and vested under the said Act and all Interest which may accrue thereon on such charitable objects within the present Boundaries of the Burgh at Canongate as to us and our successors in office shall from time to time seem fit”:

And whereas the Canongate Old Burgh revenues have since one thousand eight hundred and fifty-six been applied towards relieving the sufferings of poor and needy individuals in that part of the city lying within the boundaries of the former burgh of Canongate:

And whereas having regard to the fact that the boundaries of the former burgh of Canongate do not correspond with the boundaries of any of the wards of the city and also having regard to improved conditions and social services now prevailing in the area of the city comprising the said former burgh difficulties have arisen as to the distribution of the Canongate Old Burgh revenues in accordance with the terms of the said bond:

And whereas it is expedient that provision should be made as to the future application of the Canongate Old Burgh revenues and any accumulations thereof in the hands of the Corporation:

Be it therefore enacted that the Corporation may apply the Canongate Old Burgh revenues and any accumulations thereof in the hands of the Corporation for all or any of the following purposes:—

- (a) the maintenance improvement and reconstruction of the Canongate Tolbooth; and
- (b) the benefit (in such manner as the Corporation may deem appropriate) of the inhabitants of that part of the city which comprises the former burgh of Canongate.

Extension of
time for con-
struction of
tramways and
works.

79.—(1) The time limited by section 8 (Period for completion of new tramways) of the Edinburgh Corporation (Tramways &c.) Order 1935 for the completion of the tramways described in section 7 (Construction of new tramways) of the said Order as extended by the Edinburgh Corporation (Extension of Time) Order 1947 is hereby further extended until the thirty-first day of December one thousand nine hundred and fifty-three.

(2) The time limited by section 17 (Period for completion of new tramway) of the Edinburgh Corporation Order 1935 for the completion of the tramway described in section 16 (Construction of new tramway) of the said Order as extended by the Edinburgh Corporation (Extension of Time) Order 1947 is hereby further extended until the thirty-first day of December one thousand nine hundred and fifty-three.

(3) The time limited by section 22 (Period for completion of work) of the Edinburgh Corporation Order 1935 for the completion of the street widening and regrading Work No. 1 described in section 20 (New work) of the said Order as extended by the Edinburgh Corporation (Extension of Time) Order 1947 is hereby further extended until the thirty-first day of December one thousand nine hundred and fifty-three.

(4) The time limited by section 8 (Period for completion of works) of the Edinburgh Corporation Order 1937 for the completion of the works described in section 6 (New works) of the said Order as extended by the Edinburgh Corporation (Extension of Time) Order 1947 is hereby further extended until the thirty-first day of December one thousand nine hundred and fifty-three.

PART VIII
—cont.

80. Paragraph (j) of section 94 of the Road Traffic Act 1930 shall have effect as though the expression "public service vehicle" included any tramcar of the Corporation and any regulations for the time being in force under the said section by virtue of the said paragraph shall with any necessary adaptations and subject to any express provision of the regulations be construed accordingly.

Lost property
in tramcars.

81.—(1) (a) Any person who proposes to adapt or use any chimney vent or flue constructed for domestic purposes or for an open fire or grate for—

Restrictions on
use of domestic
chimneys &c.

(i) a furnace steam-boiler baker's oven or enclosed fire (other than an enclosed fire or stove designed for use solely for domestic purposes); or

(ii) the range or cooking apparatus of any hotel restaurant eating-house or fried-fish shop;

shall make application in writing to the dean of guild court to sanction such adaptation or use and the court if satisfied that such adaptation or use will not injuriously affect or be a source of danger to such chimney vent or flue or the building in or on which such chimney vent or flue is situated or any adjacent buildings may by interlocutor to be endorsed upon the application give sanction to such adaptation or use and may attach thereto such conditions and give such directions to the master of works as they may deem necessary or expedient.

(b) The interlocutor giving such sanction shall have the effect in all respects of a warrant of the dean of guild court and be subject to the provisions of the Order of 1926 in the same way as if a warrant had been granted by the court.

(c) The dean of guild court may prescribe the form in which such written application shall be made.

(2) Any person who adapts or uses for any of the purposes specified in the preceding subsection any chimney vent or flue constructed for domestic purposes or for an open fire or grate without having obtained the sanction of the dean of guild court or otherwise than in conformity with the interlocutor of the court shall be deemed to have carried out an operation or other proceeding for which a warrant of the dean of guild court is required without having obtained an extracted warrant therefor from the court and the provisions of section 34 (Penalties for carrying on operations without warrant) of the Order of 1926 shall with any necessary modifications apply to such person and to any works carried out by such person.

(3) For the purposes of this section the master of works or any person appointed by him may at all reasonable times on producing if required some duly authenticated document showing his authority examine any chimney vent or flue to which this section applies.

PART VIII

—cont.

Provision of
first-aid
appliances in
certain premises.

82.—(1) If in the opinion of the Corporation any premises to which this section applies are not provided with proper and sufficient first-aid appliances they may serve on the occupier of the premises a notice requiring him within a reasonable time to be specified in the notice to provide such first-aid appliances as may be specified in the notice.

(2) The appliances provided in connection with any such premises as aforesaid shall at all times be maintained and kept by the occupier of the premises in good and efficient condition and available for instant use at all times during which the premises are open to the public.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section or who acts in contravention of the provisions of subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to make such order as he may think fit.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(5) This section applies to—

- (i) any building used as a place of public meeting or as a place of public amusement or entertainment or for holding large numbers of persons for any purpose whatsoever; and
- (ii) any football ground or premises on which races of any description athletic sports or other sporting events take place to which members of the public are admitted for payment.

Provisions for
regulation of
seashore strand
and seafront.

83.—(1) Subject to the provisions of this Order a person shall not without the consent in writing of the Corporation on any part of the seashore or strand over which the Corporation have jurisdiction in pursuance of the provisions of section 228 (Jurisdiction of Corporation over seashore) of the Order of 1933 or on any promenade (including any promenade deemed to be a footpath within the meaning and for the purposes of the city Acts) parade or esplanade adjacent to the seashore or strand—

- (a) hawk sell or offer for sale any article or commodity (other than newspapers or periodicals) or by way of trade or business take any photograph of any person or group of persons;
- (b) erect or place any booth tent shed stand or stall for the sale or exposure of any article or commodity;
- (c) with a view to profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance;

- (d) let or offer or expose for hire any animal or vehicle or any chair seat form booth tent hut stand or platform; or
- (e) place or construct any show exhibition swing roundabout or other erection:

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—cont.

Provided that for the purpose of paragraph (a) of this subsection the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business.

(2) Any such consent may be limited as to time and may be given subject to payment of such charges and to such reasonable conditions as may be imposed by the Corporation and subject to the power of the Corporation for sufficient cause to suspend or revoke the consent.

(3) Any person who acts in contravention of the provisions of this section or who contravenes any condition attached to a consent under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

84. The promenade from Granton to Cramond shall be deemed to be a footpath within the meaning and for the purposes of the city Acts. Granton-Cramond Promenade.

85. Section 69 (Ruinous or dangerous buildings to be taken down or secured) of the Order of 1926 shall be read and have effect as if the following subsections were added thereto:— Amendment of section 69 of Order of 1926.

“(5) (a) For the purpose of securing the removal of occupiers from any building deemed by the city engineer to be in a ruinous or insecure state the city engineer shall give written notice to all known occupiers of the building requiring them to remove from such building within such period as may be specified in the notice.

(b) If on the expiry of such period any persons are in occupation of the building or any part thereof the city engineer may make application to the sheriff for warrant for the ejection of all such persons and the sheriff after the service of such additional notice (if any) as he may require and on production of a certificate under the hand of the city engineer bearing that such building is in such a ruinous or insecure state as to be a source of immediate danger shall grant warrant for ejection within such period not being more than seven days after the date of presentation of the said application or seven days after the date of service of such additional notice as he may determine.

(c) In all proceedings under this subsection the production of a certificate under the hand of the city engineer bearing that such building is in such a ruinous or insecure state as aforesaid and of a certificate by him bearing that notice as aforesaid has been given by him to all known occupiers of the building shall be sufficient evidence of the facts stated in the certificate.

PART VIII
—cont.

(d) The decision of the sheriff on any application by the city engineer under this subsection shall be final and not subject to review.

(6) Notwithstanding the removal or ejection under the foregoing subsection of this section of any occupier of a building deemed by the city engineer to be insecure the tenancy of such occupier shall (if he so elects) be deemed not to have been terminated varied or altered by reason of his removal or ejection from the building (except that rent shall not be payable by or exigible from him so long as he is not in occupation of the building or of the parts thereof previously occupied by him) and on the building being rendered secure and such occupier resuming his occupation the same terms and conditions shall in all respects apply in respect of such occupation as were applicable with respect thereto before the removal or ejection of such occupier”.

Restrictions on
use of loud-
speakers in
streets.

86.—(1) A person shall not in any street operate or cause or suffer to be operated any loud-speaker for any purpose without the consent of the Corporation which consent may be granted on such terms and conditions as the Corporation may prescribe.

(2) Any person who operates or causes or suffers to be operated in any street any loud-speaker without the consent of the Corporation or otherwise than in accordance with the terms and conditions prescribed by the Corporation with reference to any consent granted under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) This section shall not apply to the use of a loud-speaker in case of emergency or for military fire brigade ambulance or police purposes or in connection with a parliamentary or local government election or by the Corporation in the execution of their duties.

(4) This section shall not apply to the use of a loud-speaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission.

(5) For the purposes of this section a loud-speaker shall not be deemed to be in use in connection with (a) a parliamentary election if it is used at any time other than on or between the date of the issue of the writ of election and the date of the declaration of the result of the election or (b) a local government election if it is used at any time other than on or between the day appointed for giving notice of the election and the day on which a candidate is deemed to be elected or as the case may be the date on which a candidate is declared to be elected.

(6) For the purposes of this and the next succeeding section of this Order “loud-speaker” means any device for the reproduction and amplification of sound and “street” has the same meaning as in section 5 (Interpretation) of the Order of 1933.

Byelaws as to
loud-speakers.

87.—(1) The Corporation may make byelaws for regulating and controlling the use in any premises of loud-speakers which are audible in any street or in any other premises and for prohibiting

the use of loud-speakers for advertising purposes in any premises in such a manner as to be audible in any street or in any other premises.

PART VIII
—cont.

(2) For the purposes of this section any use of a loud-speaker in any shop shall be deemed to be a use for advertising purposes.

(3) Any person who acts in contravention of any byelaw made under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

(4) Nothing in this section or in any byelaws made thereunder shall apply to—

(a) the use of a loud-speaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission; or

(b) the use at any football ground or premises on which races of any description athletic sports or other sporting events take place of a loud-speaker for the purpose of announcements (other than by way of advertising) on the occasion of and in connection with such races sports or other sporting events:

Provided that for the purposes of this paragraph advertising shall not include the announcement of forthcoming sporting events at the same ground or premises;

(c) any loud-speakers for the transmission of sound to the auditorium of any cinematograph theatre (including any ancillary loud-speaker in the projection room of such theatre) in connection with the entertainment provided in such premises.

(5) (a) Without prejudice to the powers competent to the Corporation under section 309 (Public shows and other like places) of the Order of 1933 to attach to any permit to open or set up public shows within the city conditions restricting the use of loud-speakers at such public shows nothing contained in this section or in any byelaws thereunder shall apply to any such public shows in respect of which a permit under the said section of the Order of 1933 is in force.

(b) For the purposes of this subsection “public shows” shall mean public shows and other like places of public amusement as defined in the said section of the Order of 1933.

88.—(1) A decree of the dean of guild court for the expenses of any work or operations or expenses of process or for any other expenses sums of money fines damages or other penalties may be enforced both within and beyond the city in the same manner by the same officers and to the same effect as a decree of a sheriff court in a civil process. Enforcement of decrees of dean of guild court.

(2) Where the debtor or obligant in any such decree is resident within the county of Midlothian beyond the city an extract of such decree shall for the purposes of section 13 of the Debtors (Scotland) Act 1838 be deemed to be an extract decree of a sheriff court other 1 & 2 Vict. c. 114.

PART VIII
—cont.

than the sheriff court of the Lothians and Peebles and the provisions of the said section shall mutatis mutandis apply to the extract of such decree accordingly.

Taxation of
expenses in dean
of guild court.

89.—(1) Where expenses are found due to or by any parties to any process before the dean of guild court such expenses shall unless the court otherwise directs be taxed in accordance with the scale of taxation applicable in the sheriff court in causes where the amount of principal concluded for exceeds fifty pounds.

(2) The clerk of the dean of guild court shall act as auditor of the accounts of expenses except in processes in which expenses are found due to or by the Corporation and in any such process the court shall appoint an independent person to act as auditor of the account of expenses.

Penalty for
distributing
handbills &c.

90.—(1) Any person who distributes in any street any handbills pamphlets leaflets or other printed matter or things excepting those relating to political meetings or purposes or trade disputes within the city or who lays or spreads out any handbill pamphlet leaflet or other printed matter or thing on the surface of any street shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

(2) For the purposes of this section “street” has the same meaning as in section 5 (Interpretation) of the Order of 1933.

Application of
certain sections
of Order of
1933.

91. The sections hereinafter specified of the Order of 1933 shall so far as the same are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis in reference to the provisions of this Order as fully and effectually as if those sections had been re-enacted in this Order (that is to say):—

Section 325 (Power to enter premises);

Section 326 (Penalty on persons obstructing Corporation or their workmen);

Section 327 (In default of owners &c. Corporation may execute works);

Section 328 (Tenants obstructing execution of works);

Section 331 (How expenses are to be recovered from owner);

Section 349 (Procedure in burgh court);

Section 351 (Form and service of notice).

Confirming
authority for
byelaws.

92. As respects byelaws made under the powers of the sections of this Order of which the marginal notes are respectively set out in the first column of the Third Schedule to this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the authority designated in the second column of the said schedule opposite such sections respectively.

Application of
section 301 of
Act of 1947 to
tramway &c.
byelaws.
33 & 34 Vict.
c. 78.

93.—(1) Notwithstanding anything contained in the city Acts the provisions of section 301 of the Act of 1947 shall extend and apply to the making of any byelaws by the Corporation under the powers conferred on them by the Tramways Act 1870 (as incorporated with the city Acts) and sections 27 (Byelaws by promoters) and 57 (Byelaws as to persons waiting to enter public vehicles) of the Order of 1932.

(2) In the case of byelaws referred to in the foregoing subsection of this section the confirming authority for the purposes of section 301 of the Act of 1947 shall be—

PART VIII
—cont.

- (a) in the case of byelaws made under the Tramways Act 1870 and under section 27 (Byelaws by promoters) of the Order of 1932 the Minister of Transport ; and
- (b) in the case of byelaws made under section 57 (Byelaws as to persons waiting to enter public vehicles) of the Order of 1932 the sheriff.

94. Subject to the provisions of this Order the provisions of the Acts and Orders specified in Part II of the Fourth Schedule to this Order are as from the commencement of this Order hereby repealed to the extent indicated in the third column of that schedule.

Repeal of certain provisions of city Acts.

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

Saving from effect of repeal.

- (a) All acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing agreements awards conveyances contracts titles deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed ;
- (b) All existing byelaws rules regulations licences and permits in execution of or in relation to any of the repealed Acts shall continue in force until repealed altered or revoked or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order ;
- (c) In the case of a byelaw which has been made before the commencement of this Order but which by reason of its not having been confirmed or of the time for disallowance not having expired is not in force at that date the same proceedings may be taken and with the same effect as if the Act confirming this Order had not been passed ;
- (d) In so far as any appointment agreement order scheme rule or regulation made or resolution passed direction or notice given or other thing done under or by virtue of the repealed Acts could have been made passed given or done under or by virtue of a corresponding provision of this Order it shall not be invalidated by this repeal but shall have effect as if it had been made passed given or done under or by virtue of that corresponding provision and may be amended revoked or enforced accordingly ; and
- (e) Nothing in this repeal shall affect any rates levied by the Corporation under the repealed Acts or the liability of any person to the Corporation for payment of such rates and any such rates may be recovered in like manner as if the Act confirming this Order had not been passed.

PART VIII
—cont.

(2) For the purposes of this section the expression “repealed Acts” means the provisions of the Acts and Orders repealed by this Order and “rates” shall be construed in accordance with the provisions of paragraph (i) of the section of this Order of which the marginal note is “Application of section 247 of Act of 1947”.

Saving for town
and country
planning.

96. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Costs of Order.

97. All costs charges and expenses incurred preparatory to and in applying for obtaining and confirming this Order or in any way incidental thereto shall be paid by the Corporation out of the city rate or out of moneys borrowed by the Corporation under the powers of the city Acts and in case such costs are paid out of borrowed moneys the same shall be repaid within five years from the twenty-ninth day of May first occurring after the commencement of this Order.

SCHEDULES**THE FIRST SCHEDULE**

(Referred to in the section of this Order of which the marginal note is "Incidence of city rate between owners and occupiers")

Expenditure of the Corporation to be defrayed out of the city rate so far as payable by occupiers of lands and heritages only where incurred for and in connection with the following:—

- (1) Watching.
- (2) Lighting (including lighting of streets courts and common stairs).
- (3) Cleansing (including public conveniences &c.).
- (4) Public baths (including open-air bathing facilities).
- (5) Public washhouses.
- (6) Public libraries.

THE SECOND SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Exemptions or abatements from city rate")

PERCENTAGES TO BE DEDUCTED FROM CITY RATE IN RESPECT OF EXEMPTIONS OR ABATEMENTS

1.	2.	3.	4.
Lands and heritages entitled to deduction from city rate	Percentage where deduction is in respect of owner's portion of city rate	Percentage where deduction is in respect of occupier's portion of city rate	Percentage where deduction is in respect of owner's and occupier's portion of city rate

PART I

1. The University of Edinburgh ...	41	63 $\frac{1}{4}$	54 $\frac{3}{4}$
2. The Assembly Hall College and halls of the Church of Scotland at Mound Place ...	41	63 $\frac{1}{4}$	54 $\frac{3}{4}$
3. The Theological College of the Free Church of Scotland at North Bank Street ...	41	63 $\frac{1}{4}$	54 $\frac{3}{4}$
4. The Theological Hall and College of the Episcopal Church in Scotland at Rosebery Crescent and 21 Grosvenor Crescent ...	41	63 $\frac{1}{4}$	54 $\frac{3}{4}$
5. The Theological Hall of the Congregational Church at Hope Terrace ...	41	63 $\frac{1}{4}$	54 $\frac{3}{4}$
6. Lands and heritages within the Granton Harbour limits ...	18	30 $\frac{1}{8}$	25 $\frac{1}{2}$
7. The harbour and docks of Leith	27	45 $\frac{1}{4}$	38 $\frac{1}{4}$

PART II

8. Lands and heritages occupied and used solely for the purposes of public charity ...	41	63 $\frac{1}{4}$	54 $\frac{3}{4}$
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THE THIRD SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirming authority for byelaws")

CONFIRMING AUTHORITY FOR BYELAWS

1.	2.
Number and marginal note of section	Confirming authority
Section 17 Byelaws for regulating cabs ...	The sheriff.
Section 25 Hairdressers and barbers ...	The Secretary of State.
Section 26 Byelaws as to tents vans &c. ...	The Secretary of State.
Section 87 Byelaws as to loud-speakers ...	The sheriff.

THE FOURTH SCHEDULE

ACTS AND ORDERS REPEALED AND AMENDED

PART I

(Referred to in the section of this Order of which the marginal note is "Application of certain provisions of Act of 1947 and repeal of certain provisions of city Acts")

1.	2.	3.
Session and chapter	Title	Extent of repeal
22 & 23 Geo. 5. c. vii.	Edinburgh Corporation Order Confirmation Act 1932.	Sections 99 to 107 inclusive subsections (1) and (3) of section 109 sections 110 to 116 inclusive sections 118 to 122 inclusive and the Fourth Fifth and Sixth Schedules of the Order scheduled thereto.
24 & 25 Geo. 5. c. v.	Edinburgh Corporation Order Confirmation Act 1933.	Section 354 of the Order scheduled thereto.
25 & 26 Geo. 5. c. iii.	Edinburgh Corporation (Tramways &c.) Order Confirmation Act 1935.	Section 23 of the Order scheduled thereto.
26 Geo. 5. & 1 Edw. 8. c. vi.	Edinburgh Corporation Order Confirmation Act 1936	Sections 39 to 41 inclusive sections 43 to 45 inclusive paragraph (B) of section 46 and sections 48 and 50 of the Order scheduled thereto.
1 Edw. 8. & 1 Geo. 6. c. lxxxiv.	Edinburgh Corporation Order Confirmation Act 1937.	Section 29 of the Order scheduled thereto.

4TH SCH.
—cont.

PART II

(Referred to in the section of this Order of which the marginal note is "Repeal of certain provisions of city Acts")

1. Session and chapter	2. Title	3. Extent of repeal
14 & 15 Geo. 5. c. lxxxvi.	Edinburgh Corporation Water Order Confirmation Act 1924.	Sections 63 64 and 66 and the Second Schedule of the Order scheduled thereto.
16 & 17 Geo. 5. c. lxxv.	Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act 1926.	Sections 65 and 80 and the words "or announcing adver- tisements by means of loud- speakers gramophones or any other devices for the repro- duction and amplification of sound" in subsections (1) and (2) of section 200 (as incorpo- rated by virtue of section 26 of the Edinburgh Corporation Order 1937) of the Order scheduled thereto.
22 & 23 Geo. 5. c. vii.	Edinburgh Corporation Order Confirmation Act 1932.	Subsection (4) of section 57 and sections 60 164 165 171 174 and 198 of the Order scheduled thereto.
24 & 25 Geo. 5. c. v.	Edinburgh Corporation Order Confirmation Act 1933.	The definition of "hackney car- riage" in section 5 sections 18 151 154 160 161 193 para- graph (2) of section 228 sections 245 to 252 inclusive and 359 365 and 366 of the Order scheduled thereto.
24 & 25 Geo. 5. c. xxx.	Edinburgh Corporation Order Confirmation Act 1934.	Section 4 of the Order scheduled thereto.
1 Edw. 8. & 1 Geo. 6. c. lxxxiv.	Edinburgh Corporation Order Confirmation Act 1937.	Sections 25 28 and 40 of the Order scheduled thereto.

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