



CHAPTER xxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Dundee Corporation. [12th July 1946.]

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 :

20 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 Dundee Corporation Order Confirmation Act 1946. Short title.

SCHEDULE.

DUNDEE CORPORATION.

Provisional Order to extend the boundaries of the city and royal burgh of Dundee to authorise the Corporation to acquire lands and construct waterworks and to extend the limits of supply and the compulsory water supply limits of the Corporation respectively to confer powers on the Corporation with respect to their Camperdown Estate to extend and redefine the gas supply limits of the Corporation to authorise the Corporation to borrow further moneys and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Dundee (hereinafter called "the Corporation" and "the city" respectively) are vested with the municipal government police health and poor law administration of the city and are also the education authority for the city:

And whereas the lands available within the city for the purpose of providing housing accommodation for the inhabitants of the city and removing the overcrowding which prevails in parts of the city are limited in extent and it is necessary to provide for the erection of houses on lands outwith the existing boundaries of the city for the accommodation of persons employed therein:

And whereas the areas described in the First Schedule to this Order (hereinafter referred to as "the added areas") are situated in the county of Angus and immediately adjoin the city:

And whereas the Corporation have out of funds arising from the Sir James Caird Land Acquisition Fund vested in them under the will and relative codicils of the late Mrs. Emma Grace Caird or Marryat purchased the greater part of the estate commonly known as "the Camperdown Estate" which is situated partly in the city and partly in the added areas and it is expedient as hereinafter mentioned that a portion of the part of the said estate purchased by the Corporation (which part of the said estate is hereinafter referred to as "Camperdown Estate") comprising the mansion house policies and certain adjoining lands should be utilized for the purposes of a public park and place of public resort and recreation:

And whereas a part of Camperdown Estate together with other lands in the added areas is suitable for housing development and there is in the added areas other property belonging to the Corporation:

And whereas there is also a portion of Camperdown Estate suitable for development for industrial purposes and such development and the development of other parts of the added areas for such purposes would be facilitated by the inclusion of the added areas within the city:

And whereas the Corporation in terms of the Dundee Corporation Acts 1871 to 1939 are authorised to construct a main sewer along the Dighty Valley and the Corporation are now proceeding with the construction of the said main sewer and the development of the eastern portion of the added areas which is suitable for housing purposes is dependent on and will be rendered possible by the construction of the said main sewer:

And whereas it is expedient and in the public interest that the police health and poor law administration of the city and the added areas should be under one authority and that the city and the added areas should be one education area:

And whereas it is expedient and would be for public and local advantage that the boundaries of the city should be extended to include the added areas as provided by this Order and that all franchises rights privileges and immunities and all public and general and local and personal Acts and Orders relating to and in force for the time being in or applicable to the city should as amended by this Order be applied to the added areas:

And whereas by the Dundee Corporation Act 1894 the city within the then existing municipal and police boundaries thereof was constituted a county of a city under the name of the county of the city of Dundee and it is expedient that for the purposes of that Act the added areas should be separated and disjoined from the county of Angus and be incorporated with and form part of the county of the city of Dundee: 57 & 58 Vict.
c. lxxiv.

And whereas it is further expedient that the added areas should form part of the municipal wards of the city which adjoin the same:

And whereas it is expedient that the Corporation should be empowered to levy and collect rates charges and assessments in the added areas and to borrow money in connection with the extension of the boundaries of the city:

And whereas the Corporation are vested with the water undertaking of the city by which water is supplied to the city and places adjacent within the limits of supply and of compulsory supply as defined by the Dundee Water Acts 1869 to 1939:

And whereas in order to improve the existing supplies of water in and to make better provision for the supply of water to parts of the added areas it is expedient that the Corporation should be authorised to construct and maintain the waterworks described in this Order:

And whereas it is expedient that the limits of supply and the limits for the compulsory supply of water by the Corporation respectively as defined by the Dundee Water Acts 1869 to 1939 should be extended as provided in this Order and that the other provisions contained in this Order with reference to the water undertaking of the Corporation should be enacted:

And whereas estimates have been prepared by the Corporation for the purchase of lands and for the construction of the waterworks authorised by this Order and such estimates are as follows:—

Purchase of land	£
Servitudes for works e.g. wayleaves for water pipes		100
Mains—steel and cast iron	50
Reservoir—service—concrete construction	5,800
Pumping and boosting stations	6,000
		3,500

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

And whereas it is expedient that the Corporation should be authorised to raise further money for the purposes of the waterworks authorised by this Order:

And whereas the money which the Corporation were authorised to borrow in connection with the waterworks which the Corporation were by the Dundee Corporation Order 1939 authorised to construct and in connection with the main sewer hereinbefore referred to is through circumstances arising out of the war insufficient and it is expedient that the Corporation should be authorised to borrow further money for those purposes as mentioned in this Order:

And whereas it is expedient for the removal of doubt as to the powers of the Corporation with respect to the purchase by the Corporation of the Camperdown Estate hereinbefore referred to that such purchase should be sanctioned and confirmed and that the powers contained in this Order with respect to the Camperdown Estate should be conferred on the Corporation:

And whereas it is expedient to extend and redefine as provided in this Order the limits within which the Corporation may supply gas and that the provisions contained in this Order with respect to the price which the Corporation may charge for gas supplied by them within those parts of their limits of supply which are outwith the city should be enacted:

And whereas it is expedient that the further powers with reference to municipal administration and otherwise contained in this Order should be conferred on the Corporation and that the other provisions contained in this Order should be enacted:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office at Dundee of the sheriff clerk of the county of Angus and are hereinafter respectively referred to as the deposited plans sections and book of reference:

26 Geo. 5. &

1 Edw. 8. c. 52.

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:

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

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

Division of
Order into
Parts.

Part I.—Preliminary.

Part II.—Boundaries extension.

Part III.—Waterworks and water supply.

Part IV.—Camperdown Estate.

Part V.—Gas supply.

Part VI.—Financial.

Part VII.—Miscellaneous.

PART I.

PRELIMINARY.

2. This Order may be cited for all purposes as the Dundee Corporation Order 1946. Short title and
citation of Acts.

The Dundee Gas Acts 1868 to 1935 and this Order so far as relating to gas and gas purposes may be cited together as the Dundee Gas Acts 1868 to 1946.

The Dundee Water Acts 1869 to 1939 and this Order so far as relating to water and water purposes may be cited together as the Dundee Water Acts 1869 to 1946.

The Dundee Corporation Acts, 1871 to 1939 and this Order may be cited together as the Dundee Corporation Acts 1871 to 1946.

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

“ added areas ” means the portions of the county of Angus by this Order incorporated with the existing city;

“ Act of 1871 ” means the Dundee Water Extension Act 1871;

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

“ Camperdown Estate ” means that portion of the estate commonly known as “ the Camperdown Estate ” purchased by the Corporation out of funds derived by them from the Sir James Caird Land Acquisition Fund;

“ city ” means the city and royal burgh of Dundee as the municipal boundaries and the police boundaries thereof are extended by this Order;

“ city rates ” has the same meaning as in the Order of 1934;

“ Corporation ” means the lord provost magistrates and councillors of the existing city or of the city as the case may be;

PART I.
—cont.

- “ county ” means the county of Angus;
- “ county council ” means the county council of the county;
- “ existing city ” means the city and royal burgh of Dundee existing immediately before the commencement of Part II (Boundaries extension) of this Order;
- “ Gas Acts ” means the Dundee Gas Acts 1868 to 1935;
- “ lands and heritages ” means lands and heritages as defined in the Valuation Acts;
- “ magistrates ” means the magistrates of the existing city or of the city as the case may be;
- “ Order of 1905 ” “ Order of 1907 ” “ Order of 1911 ” “ Order of 1926 ” “ Order of 1930 ” “ Order of 1932 ” “ Order of 1934 ” and “ Order of 1939 ” mean respectively the Dundee Water Order 1905 the Dundee Corporation Order 1907 the Dundee Water Order 1911 the Dundee Corporation Order 1926 the Dundee Corporation (General Powers) Order 1930 the Dundee Corporation Order 1932 the Dundee Corporation Order 1934 and the Dundee Corporation Order 1939;
- “ sheriff ” means the sheriff of Perth and Angus and includes his substitutes;
- “ sheriff clerk ” means the sheriff clerk of the county of Angus;
- “ Sir James Caird Land Acquisition Fund ” means the fund constituted by the will dated eleventh June one thousand nine hundred and nineteen and relative codicils of the late Mrs. Emma Grace Caird or Marryat to be known as the Sir James Caird Land Acquisition Fund and the income of which was by the said will directed to be utilized in the acquisition of land in or around the boundaries of the city in the interest and for the benefit of the community;
- “ town clerk ” means the town clerk of the existing city or of the city as the case may be;
- “ Valuation Acts ” means the Acts in force for the time being relating to the valuation of lands and heritages;
- “ Water Acts ” means the Dundee Water Acts 1869 to 1939.

Incorporation
of general
Acts.

4. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (namely):—

(1) The Lands Clauses Acts:

(2) The Waterworks Clauses Act 1847 including—

(a) Section 35 as amended by section 8 of the Order of 1930;

(b) Sections 48 to 52 both inclusive as amended by section 24 of the Dundee Corporation Order 1935;

(c) Section 57 as amended by section 29 of the Dundee Corporation Order 1935;

but excepting—

(a) Sections 37 68 70 and 72;

(b) Sections 44 to 47 both inclusive with respect to the communication pipes to be laid by the undertakers;

PART I.
—cont.

(c) Sections 75 to 83 both inclusive with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit:

(3) The Waterworks Clauses Act 1863:

26 & 27 Vict.

(4) The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railways during the construction thereof:

c. 93.
8 & 9 Vict. c. 33.

Provided that the said clauses and provisions thereof shall be read and have effect as if the waterworks authorised by this Order were therein referred to instead of "the railway" and as if the boundaries of the said works were therein mentioned instead of "the centre of the railway" and as if the Corporation were therein mentioned instead of "the company."

PART II.

BOUNDARIES EXTENSION.

5. This Part of this Order shall be deemed to have commenced and to have had effect as on and from the sixteenth day of May one thousand nine hundred and forty-six (which date is hereinafter in this Part of this Order referred to as "the commencement of this Part of this Order").

Commencement
of Part II of
Order.

6. The municipal and police boundaries of the existing city are hereby extended so as to include the whole territory lands and heritages in the parishes of Liff and Benzie Mains and Strathmartine Murroes Dundee Combination and Monifieth all in the county within the boundaries set forth and described in the First Schedule to this Order. Provided that the rules prescribed by the Representation of the People Acts shall be observed and receive effect with reference to the boundaries before referred to.

Extension of
municipal and
police
boundaries.

7.—(1) A map of the existing city showing the municipal boundaries and the police boundaries thereof as existing at the commencement of this Part of this Order and also as extended by this Order of which twelve copies have been signed by William McLean Watson the Chairman of Commissioners to whom this Order was referred shall within four weeks after the date of the passing of the Act confirming this Order be deposited as follows (that is to say) one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Committee and Private Bill Office of the House of Commons one copy in the Scottish Office London one copy with the town clerk at his office in Dundee one copy with the sheriff clerk at his office in Dundee one copy with the Minister of Agriculture and Fisheries one copy with the Commissioners of Inland Revenue one copy with the Commissioners of Customs and Excise one copy with the Board of Trade one copy with the Postmaster-General one copy with the Registrar General of Births Deaths and Marriages in Scotland and one copy with the Minister of Transport.

Deposit of map
of city.

PART II.

—cont.

Boundary of
county of city.

(2) If there be any discrepancy between the said map and the description in the First Schedule to this Order the said map shall be deemed to be correct and shall prevail.

8. The added areas shall subject to the provisions of this Order and for the purposes of the Dundee Corporation Act 1894 be incorporated with and form part of the county of the city of Dundee and be disjoined from the county and the said Act shall be read and have effect as if the words "the city and royal burgh of Dundee" occurring therein meant the city.

Added areas to
form part of
adjoining wards.

9. The added areas shall form part of the Second Third Fourth Fifth Seventh Eighth Ninth Tenth and Eleventh wards of the existing city the boundaries of which wards as so enlarged shall respectively be as set forth and described in the Second Schedule to this Order and the number of councillors for those respective wards as so enlarged shall remain the same as at the commencement of this Part of this Order and the councillors representing the said wards shall continue to represent the same as enlarged until the next succeeding election when such election shall proceed for such wards as enlarged as aforesaid.

Provision of
general Acts as
to municipal
elections to
apply to altered
wards.
19 & 20 Geo. 5.
c. 25.

10. The provisions of the Town Councils (Scotland) Acts 1900 to 1923 and the Local Government (Scotland) Act 1929 so far as the same apply to the existing city and of all other public statutes amending the same and regarding the election of town councillors in burghs divided into wards or districts in so far as still in force and the Dundee Corporation Acts 1871 to 1939 so far as still in force and with reference thereto shall subject to the provisions of this Order apply to the elections in and to the wards at present existing notwithstanding the alteration of the Second Third Fourth Fifth Seventh Eighth Ninth Tenth and Eleventh wards of the existing city effected by this Order and to the election qualification continuance in office declinature and retirement of councillors and to the resignation of councillors and to supplying vacancies in the council by death disability resignation or other causes or otherwise as if the wards at present existing as altered by this Order had been the wards or districts into which the city was divided under and by virtue of the said Acts of 1900 to 1923 and the said Act of 1929 and as if the number of councillors fixed under the Dundee Corporation Acts 1871 to 1939 had been the number fixed in or by virtue of the said Acts of 1900 to 1923 and the said Act of 1929.

Application of
sections of
Orders of 1907
and 1932.

11. The sections hereafter specified of the Orders hereinafter mentioned shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the added areas and to the Corporation and all other persons with reference thereto in the same manner as fully and effectually as if those sections had been re-enacted in this Order (that is to say):—

Of the Order of 1907—

Section 15 (Recovery of arrears of assessments &c. within district annexed);

Section 21 (Teinds not to be effected);

Section 24 (Tenures and records preserved);

Section 30 (Preceding provisions not to affect mode of electing magistrates):

Of the Order of 1932—

Section 9 (Roads &c. in added areas);

Section 10 (Saving rights in roads foot-pavements footpaths sewers and drains);

Section 12 (Register of voters);

Section 14 (Order not to affect election of members to serve in Parliament);

Section 15 (Continuance in office of Corporation).

12. Subject to the provisions of this Order and in so far as necessary to give full effect thereto—

Separate
jurisdictions
to cease.

(1) All separate magistracies councils commissions authorities and jurisdictions in the added areas shall cease and determine;

(2) All actions prosecutions or processes both in civil and criminal causes before the sheriff courts and the justice of peace courts for the added areas in dependence at the commencement of this Part of this Order shall be adjudged and finally disposed of by the said sheriff courts and the said justice of peace courts notwithstanding anything in this Order to the contrary.

13.—(1) Subject to the provisions of this Order and except as otherwise in this Order expressly provided the lands buildings depots sewers sewage purification works lamps lamp-posts pipes mains cables wires apparatus plant and all other property assets and powers of every description vested in held by or due or belonging to the county council district councils or other authorities in the added areas are by virtue of this Order and without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing transferred to and vested in and shall be held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of such councils or authorities and shall be received held and enjoyed by the Corporation accordingly.

Transfer of
property and
liabilities.

(2) All the powers duties liabilities contracts and agreements of such councils or authorities in relation to the added areas are by virtue of this Order transferred and shall attach to the Corporation and shall form part of the powers duties liabilities contracts and agreements of the Corporation and be enjoyed performed paid and discharged by them.

(3) 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 transferred to and vested in them by virtue of this Order by expeding a notarial instrument 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 property in favour of the Corporation.

PART II.
—cont.

(4) This section shall not except as otherwise in this Order expressly provided apply to the property and assets situated beyond the city which belong to the county council the district councils or other authorities in the added areas.

For protection
of Angus
County Council.

14. Notwithstanding anything in this Order the Longhaugh Quarry of the county council (comprising the subjects known as "Longhaugh Quarry" together with Longhaugh House the house at the quarry and two cottages the workshops stores sheds and ground appurtenant to the said subjects all as occupied and used by the county council at the commencement of this Part of this Order in connection with the said quarry) and also the forty three-apartment houses and the fourteen four-apartment houses erected by the county council at Longhaugh the mains pipes and other works (so far as belonging to the county council at the commencement of this Part of this Order) used for the supply of water to the said houses and the sewage disposal plant in connection therewith shall except as may be otherwise agreed upon in writing between the Corporation and the county council continue to be vested in and to form part of the property and assets of the county council and the county council may continue to work and use the said quarry and to maintain and use the said mains pipes and other works and sewage disposal plant to the same extent as if the Act confirming this Order had not been passed.

Provision as to
roads &c. in
added areas.

15. The Corporation shall not be entitled to call upon the owner of any lands in the added areas to pave flag kerb or channel any portion of any street or road ex adverso of unfeued ground in the added areas unless the said ground is retained by the owner for amenity purposes.

Sewage
disposal.

16. It shall not be an objection to the approval by the works committee of the Corporation under the Act of 1882 of the plans of any houses or buildings to be erected within (a) the western added area or (b) the eastern added area (as those areas are respectively described in the First Schedule to this Order) that such houses or buildings cannot at the time drain into any sewers of the Corporation (a) in the case of houses or buildings to be erected in the said western added area until a system of drainage has been provided by the Corporation in that area and (b) in the case of houses or buildings to be erected in the said eastern added area until a system of drainage has been provided by the Corporation in that area.

Assessments in
added areas.

17. Every rate toll or assessment authorised to be collected or levied by the county council or any other local authority having jurisdiction over the added areas or any part thereof which has not been actually imposed before the commencement of this Part of this Order shall on the commencement thereof cease and determine within the added areas and thereafter the assessments and rates leviable under the Order of 1934 and any other local Act and the public general Acts and amendments thereof administered by the Corporation and this Order shall subject to the provisions of this Order henceforth be leviable and be levied on and within the city in the same way and manner as the same are leviable and levied on and within the existing city.

18.—(1) Notwithstanding anything contained in this Order—

PART II.

—cont.

Differential
assessments in
added areas.

(a) during the period of ten years from the term of Whitsunday one thousand nine hundred and forty-six the rates and assessments (excluding water rates) to be levied and recovered by the Corporation on and from the owners and occupiers respectively of all lands and heritages existing at the commencement of this Part of this Order in the added areas shall not in respect of such lands and heritages in each of the districts in the added areas mentioned in column two of the Third Schedule to this Order and shown on the map of the city signed by William McLean Watson the Chairman of Commissioners to whom this Order was referred and deposited with the town clerk exceed the amount set out in the third and fourth columns respectively of the said schedule opposite to the said districts; and

(b) notwithstanding anything contained in the Valuation Acts the rates and assessments (excluding water rates) to be levied and recovered by the Corporation during the said period of ten years as aforesaid shall be levied by the Corporation on the amount of the rateable value of such lands and heritages (other than lands and heritages entered in the portion of the valuation roll made up by the Assessor of Public Undertakings (Scotland)) as entered in the valuation roll for the year ended Whitsunday one thousand nine hundred and forty-six in which such lands and heritages were entered provided that where the rateable value of any such lands and heritages so entered has been fixed with reference to a part only of the year the rateable value thereof shall for the purpose of the foregoing provision of this subsection be increased proportionately to a rateable value in respect of the whole year and any question as to whether such rateable value has been fixed with reference to a part only of the year or as to the amount of any such increase shall be referred to the sheriff whose decision shall be final.

(2) The provisions of paragraph (b) of subsection (1) of this section shall cease to apply to any land and heritage let to a tenant by the owner thereof in any year during the said period of ten years at an amount greater or less than the yearly rent or value set forth in the said valuation roll.

(3) If in any year during the said period of ten years any material alteration or addition shall be made on or to any of the lands and heritages referred to in subsection (1) of this section such alteration or addition shall for the purposes of the Valuation Acts and any enactment relating to rating be deemed during that year and the remainder of such years to be a separate land and heritage and to have come into existence subsequent to the commencement of this Part of this Order.

(4) Any assessments required to be imposed by the Corporation in the city to meet additional expenditure under any public general Act passed in the present or any future session of Parliament which is or will be applicable to the county as well as the city may be added to the assessments to be imposed assessed levied and collected

PART II.

—cont.

Application of
general and
local Acts &c.

by the Corporation in the added areas in pursuance of the provisions of this section.

19.—(1) The public and general and local and private Acts and Orders relating to and in force in the existing city and all byelaws rules regulations and Orders made thereunder shall as amended by this Order be exercised over and be applicable to the city. Provided that the byelaws and regulations which shall be made to affect the added areas in regard to the construction occupation use cleansing or sanitation of or any other matter affecting any dwelling-house cottar houses cow byres dairy premises and sculleries milk-houses piggeries dungsteads and other buildings and erections therein or any renewals extensions or enlargements thereof shall not during the period of ten years from the commencement of this Part of this Order be made in terms more onerous on owners or tenants than the byelaws and regulations in regard to such matters in force at the time in the district of the county in which the added areas may be before the commencement of this Part of this Order.

(2) Nothing contained in this section shall extend or be deemed to extend the area of supply for the purposes of the Dundee Electricity Acts and Orders 1890 to 1935 or to include the added areas therein nor shall anything in this Order or in the Grampian Electricity Supply Acts 1922 to 1936 as read with this Order be deemed or construed to prejudice or affect the rights and powers of the Grampian Electricity Supply Company under the said Acts of 1922 to 1936 for or in relation to the supply of electricity within the added areas or to transfer to the Corporation any property assets or powers vested in held by or due or belonging to that company in the added areas.

Application of
Distribution of
Industry Act
1945 to city.
8 & 9 Geo. 6.
c. 36.

20. The Distribution of Industry Act 1945 shall extend and apply to the city as extended by this Order as if the reference in the said Act to the county of the city of Dundee was a reference to the county of the city of Dundee as extended by this Order and the said Act in its application to the city shall be read and construed accordingly.

Insurance
committees.

21. The Secretary of State may by order reconstitute the insurance committees for the county and for the city as from the commencement of this Part of this Order or such subsequent date as he may determine and that in such manner and to such extent as he may deem necessary in consequence of the provisions of this Order and any such order may contain such incidental supplemental and consequential provisions as may appear to the Secretary of State necessary or expedient for carrying it into effect and for adapting thereto the provisions of the National Health Insurance Acts 1936 to 1941. Provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made.

Poor law
settlement.

22.—(1) Every person whose settlement is derived from birth or residence for the statutory period of three years in the added areas shall be deemed to have a settlement within the city.

(2) Every person who at the commencement of this Part of this Order is resident in the added areas and is in course of acquiring a settlement in the county by reason of such residence shall for the

purposes of his settlement be deemed to have resided within the city during the period during which he has prior to the commencement of this Part of this Order resided within the added areas.

PART II.
—cont.

(3) Where at the commencement of this Part of this Order a person has a settlement within the county by reason of residence partly in the added areas and partly in another part of the county the city or the county as the case may be shall be deemed to be the area of settlement of that person according as the place of his residence at the time of his acquiring a settlement was within the added areas or within another part of the county.

(4) For the purposes of section 4 of the Poor Law (Scotland) Act 1898 and subsection (3) of section 3 of the Poor Law (Scotland) Act 1934 every person who at the commencement of this Part of this Order is resident in the added areas shall be deemed to have resided within the city during the period during which he has prior to the commencement of this Part of this Order resided within the added areas or within any other part of the county.

61 & 62 Vict.

c. 21.

24 & 25 Geo. 5.

c. 52.

23. The sheriff shall continue to hold use and exercise all and every jurisdiction of whatever kind or nature civil as well as criminal which he had or is in any way entitled to hold use and exercise in the same way and manner as if this Order had not been made without prejudice to the extended application of the jurisdiction of the magistrates provided by this Order.

Saving juris-
diction of
sheriff.

24.—(1) The Corporation shall as on the sixteenth day of May one thousand nine hundred and forty-six pay to the county council such sum as shall be agreed on between the Corporation and the county council and for this purpose they may mutually agree on a suitable skilled person to ascertain and determine the sum payable to the county council or failing agreement either as to the sum or person as shall be settled by an arbiter to be appointed by the sheriff upon the request of either party which sum shall be accepted by the county council as in full satisfaction of all claims in respect of the added areas including claims for debt competent to them and not elsewhere in this Order expressly provided for.

Payment to
county council.

(2) The said sum shall bear interest at the rate of three pounds per centum per annum from the said date of payment until paid and the said sum and interest shall with the sanction of the Secretary of State be applied by the county council for behoof of the county either in the repayment of debt or for any other purpose for which capital money may be applied.

PART III.

WATERWORKS AND WATER SUPPLY.

25. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described and shown upon the deposited plans with all proper approaches works and conveniences connected therewith and may from time to time alter renew and reconstruct the same.

Power to make
works.

PART III.
—cont.

The works hereinbefore referred to and authorised by this Order are—

Work No. 1. A pumping station situated in the parish of Mains and Strathmartine in the county within the curtilage of the Clatto service reservoir of the Corporation secondly described in and authorised by the Dundee Water (Additional Powers) Act 1874;

Work No. 2. A conduit or line of pipes commencing in the said parish of Mains and Strathmartine at a point on the west boundary of the said Clatto service reservoir thirty-two yards or thereby from the south-west corner of the boundary of the said Clatto service reservoir and thence proceeding across fields and woodland and terminating in the parish of Liff and Benvie in the county in the elevated service reservoir (Work No. 3) hereinafter described;

Work No. 3. An elevated service reservoir situated in the said parish of Liff and Benvie on Gallow Hill at a point three hundred and thirty yards or thereby south-west of the south-west corner of the boundary wall of the said Clatto service reservoir;

Work No. 4. A conduit or line of pipes in the said parish of Liff and Benvie in the existing city commencing by a junction with the existing line of pipes of the Corporation in the public road known as Kingsway West at its junction with the public road known as the Coupar Angus Road and thence proceeding along the said Coupar Angus Road in a north-westerly direction and terminating in the booster station (Work No. 5), hereinafter described;

Work No. 5. A booster station situated in the said parish of Liff and Benvie partly in the existing city and partly in the county on the north side of the said Coupar Angus Road eight hundred and forty yards or thereby north-west of the junction of the said road with the said public road known as Kingsway West.

Limits of
deviation.

26. In the construction of the works authorised by this Part of this Order the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections in the case of Work No. 3 to any extent not exceeding five feet upwards or downwards and in the case of Works Nos. 1 2 4 and 5 to any extent not exceeding five feet upwards or ten feet downwards Provided as follows (that is to say):—

The Corporation shall not construct any embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition:

Except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

27. For the purpose and during the construction of the waterworks authorised by this Part of this Order the Corporation may use the existing accesses to the lands affected by this Part of this Order for the purposes of access to or construction maintenance repair extension or enlargement of the said waterworks over the said lands subject to agreement with the proprietor thereof as to the upkeep maintenance and repair of the said accesses and in respect of payment of compensation for surface damage.

PART III.
—cont.

Power to use existing access farm or service roads and to make temporary roads.

28.—(1) The Corporation may subject to the provisions of this Order in connection with the works or any of them authorised by this Order make lay erect and maintain such embankments dams weirs channels sluices catchwater drains culverts aqueducts bridges roads cisterns gauges meters scour pipes manholes engines machinery pumps conduits mains pipes stand pipes air shafts air pipes water towers valves drains junctions hydraulic and electric apparatus telegraphs telephones roadways approaches fences buildings dwelling-houses for servants and other works and conveniences as may be necessary or expedient in effecting or carrying out the objects or purposes of this Part of this Order or any of them.

Powers as regards maintenance and extension of works and construction of subsidiary works.

(2) The Corporation may subject as aforesaid from time to time on or within any of their lands or on or over any lands on or over which they by agreement have or may acquire right so to do alter replace enlarge and increase the number and size of the works conduits aqueducts mains and pipes authorised by the Water Acts and this Order and may from time to time alter replace enlarge and increase the number and size of the works mains and pipes from time to time in use for conveying and distributing water for the purposes of the Water Acts and this Order.

(3) Nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

(4) Any electric apparatus telegraphs telephones and other works laid erected or maintained by the Corporation shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

32 & 33 Vict.
c. 73.
41 & 42 Vict.
c. 76.

29. If the works authorised by this Part of this Order are not completed by the thirty-first day of December one thousand nine hundred and fifty-three then after that date the powers by this Part of this Order granted to the Corporation for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Corporation from extending enlarging altering replacing increasing or removing any of their engines pumps machinery conduits service reservoirs filter-beds aqueducts mains or pipes or improving their supply of water at any time and from time to time as occasion requires subject to the provisions of this Part of this Order.

Period for completion of works.

PART III.

—cont.

Power to
acquire lands.

30. Subject to the provisions of this Order the Corporation may enter upon take appropriate and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works authorised by this Part of this Order.

Period for
compulsory
purchase of
lands.

31. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Part of this Order shall cease on the thirty-first day of December one thousand nine hundred and forty-nine.

Corporation
may acquire
servitudes only
in certain cases.

32.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Part of this Order where the same are intended to be constructed underground acquire such servitudes and rights only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired servitudes and rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes and rights have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Nothing contained in this section shall authorise the Corporation to acquire by compulsion any such servitudes and rights in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude or right only and every notice to treat for the acquisition of a servitude or right shall be endorsed with notice of this provision.

Application of
sections of
former Act and
Orders.

33. The sections hereinafter specified of the Act and Orders hereinafter mentioned shall so far as applicable and not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the several works authorised by this Part of this Order and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation and all other persons in respect thereof in the same manner as fully and effectually as if those sections had been re-enacted in this Order with reference thereto (that is to say):—

Of the Act of 1871—

Section 27 (Commissioners may draw off water for repairs and cleaning of reservoirs):

Of the Order of 1905—

Section 9 (For protection of waterworks from pollution);

Section 10 (Power to agree for servitudes &c.);

Section 12 (Power to acquire and hold lands for protection of works and prevention of pollution):

Of the Order of 1911—

PART III.
—cont.

- Section 9 (Power to alter roads &c. temporarily);
 Section 10 (Reservoir to be enclosed by wire fences);
 Section 13 (Notice to be served before breaking up public roads and roads to be broken up under superintendence);
 Section 14 (Roads broken up to be reinstated without delay);
 Section 15 (Penalty for failure to give notice and for delay in reinstating roads);
 Section 22 (Lands may be planted with trees);
 Section 26 (Lands for extraordinary purposes);
 Section 27 (Limiting powers of Commissioners to abstract water);
 Section 28 (Nuisance);
 Section 31 (New works to form part of water undertaking).

34. Subject to the provisions of this Order the limits of supply specified in the Water Acts are hereby extended so as to include so much of the added areas as is not within those limits and the limits for compulsory supply specified in the Water Acts are hereby extended so as to include the added areas and the provisions of the Water Acts and of this Order shall apply to the said limits of supply and to the said limits for compulsory supply as extended by this section as fully and effectually as they apply to the limits of supply and to the limits for compulsory supply respectively specified in the Water Acts. Extension of limits of supply and of compulsory supply.

35. Nothing in this Part of this Order shall—

- (a) extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1935 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections; or Saving rights under Electricity (Supply) Acts.
45 & 46 Vict. c. 56.
62 & 63 Vict. c. 19.
- (b) prevent or affect the exercise by any such undertakers or by the Corporation of any rights or powers under those provisions.

PART IV.

CAMPERDOWN ESTATE.

36.—(1) For the removal of doubt it is hereby declared that the purchase of the Camperdown Estate by the Corporation out of funds derived by them from the Sir James Caird Land Acquisition Fund is sanctioned and confirmed and subject to the provisions of this Part of this Order the Camperdown Estate shall continue vested in the Corporation and the Corporation may exercise with respect to the Camperdown Estate the powers conferred on them by this Part of this Order. Purchase of Camperdown Estate by Corporation sanctioned and confirmed.

(2) The Corporation may defray out of the income of the Sir James Caird Land Acquisition Fund any expenditure of a capital nature incurred by them in respect of Camperdown Estate.

PART IV.

—cont.

Part of
Camperdown
Estate to be
public park.

37. That part of the Camperdown Estate which is edged green on the plan signed by William McLean Watson the Chairman of Commissioners to whom this Order was referred and deposited with the town clerk (which part of the Camperdown Estate is hereinafter in this Part of this Order referred to as "Camperdown Park") shall be held and maintained by the Corporation as a public park and place for public resort and the provisions of Part XXV (Public parks and places of public resort or recreation) other than section 200 (Power to close parks and let portions for special purposes) of the Act of 1882 and of section 110 (Power to set apart lands for games and provide buildings &c.) of the Order of 1907 shall so far as not inconsistent with the provisions of this Part of this Order extend and apply to Camperdown Park as fully in all respects as if those provisions were herein re-enacted with reference thereto.

Powers as to
Camperdown
Park.

38. Subject to the provisions of this Part of this Order the Corporation shall in addition to the powers conferred on the Corporation by the section of this Order of which the marginal note is "Part of Camperdown Estate to be public park" have and may exercise all or any of the following powers in connection with Camperdown Park (that is to say):—

- (1) They may reclaim drain and improve the surface of Camperdown Park or any part thereof and execute construct and maintain all necessary works for that purpose:
- (2) They may form improve and maintain roads drives footpaths riding tracks and walks in Camperdown Park and do such other things as from time to time may appear to the Corporation to be expedient for the use and enjoyment of Camperdown Park by the public:
- (3) They may form and maintain or lay out or set apart in any part of Camperdown Park golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches and grounds for other outdoor games and may also form and maintain thereon yachting ponds swimming pools boating ponds curling and skating ponds and may regulate the playing of games in Camperdown Park and the use of such ponds and pools:
- (4) They may provide and maintain in Camperdown Park any apparatus and facilities for games recreation and amusement and may make reasonable charges for the use of the same:
- (5) The Corporation may utilise any part of Camperdown Park for camping grounds and may in connection with any such camping grounds—
 - (a) provide such facilities for camping purposes as they think proper; and
 - (b) make such reasonable charges for camping sites and impose such conditions and make and impose such regulations for the use of such sites and with respect to any such camping grounds as they think fit:
- (6) They may provide erect maintain manage and carry on in Camperdown Park or authorise other persons to provide

erect maintain and carry on therein museums collections of natural history science or art refreshment rooms (other than for the sale of exciseable liquor) pavilions waiting-rooms shelters conveniences conservatories winter gardens tool-houses dwelling-houses for park keepers and other similar officers of the Corporation and other such erections and may charge and take such rents rates or charges in respect of the use of Camperdown Park and of such yachting ponds swimming pools boating ponds curling and skating ponds tennis courts bowling greens putting greens polo grounds football pitches golf courses cricket pitches hockey pitches grounds refreshment rooms pavilions waiting-rooms shelters stores club-houses baths lavatories and other conveniences band-stands or other erections as they think fit:

PART IV.
—cont.

- (7) They may from time to time let or permit to be used for any special or temporary purpose portions of Camperdown Park and the right to provide apparatus for the purposes of games recreation or amusement on such terms and subject to such conditions and for such periods as they think fit:
- (8) They may set apart any portion of Camperdown Park as a children's playground and provide gymnastic or other apparatus therefor and may fix the age above which persons shall not be permitted to play therein:
- (9) They may levy reasonable charges for admission into any museum conservatory winter garden collection of natural history science or art and other similar places and buildings in Camperdown Park under their control.

39. The Corporation may provide music in Camperdown Park and may for that purpose engage and make payments to bands and musicians and provide band-stands and other conveniences.

Power to provide music in Camperdown Park.

40. Subject to the provisions of this Order the Corporation may use or permit the use of the whole or any part of Camperdown Park for any period or periods not exceeding in the whole one month in any one year for any special purpose other than a purpose for which such park may ordinarily be used and may when Camperdown Park is being so used close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons to Camperdown Park or such portion thereof as they may fix.

As to temporary use of Camperdown Park for other purposes.

41. The Corporation may utilise or may let such portions of Camperdown Park for such periods and subject to such terms and conditions as they think fit and proper for the purpose of carrying on farming operations or nursery gardens or similar purposes and they may let such portions of Camperdown Park for such periods and subject to such terms and conditions as they think fit and proper to persons clubs companies and organisations for the exclusive use thereof by such persons clubs companies and organisations as sports or playing fields or as agricultural horticultural or similar show grounds.

Power to let portions of Camperdown Park.

PART IV.
—cont.

Power to utilise part of Camperdown Park for road widening.

42. Notwithstanding anything contained in the section of this Order of which the marginal note is "Part of Camperdown Estate to be public park" the Corporation may if they think fit utilise for the purpose of widening or improving the public road known as Coupar Angus Road a strip of ground forming part of Camperdown Park adjoining the said road and in that event such strip of ground shall cease to form part of Camperdown Park.

Power to sell timber on Camperdown Estate.

43. The Corporation may from time to time cut or fell any timber on Camperdown Estate and may sell utilise or otherwise dispose of any such timber and may make such arrangements in connection therewith as they think fit and the Corporation may afforest any part of Camperdown Estate or replant any area from which the existing timber has been cut or felled.

Power to sell &c. parts of Camperdown Estate.

44.—(1) The Corporation may from time to time and shall be deemed always to have had power to sell feu excamb or lease on such terms as they may determine or may with the consent of the Secretary of State appropriate for any statutory purpose any part of Camperdown Estate other than Camperdown Park Provided that where by virtue of any deed of excambion any land is incorporated in Camperdown Estate the Corporation may exercise with respect to such land all or any of the powers conferred on them by this Part of this Order with respect to Camperdown Estate as if such land had formed part of Camperdown Estate at the commencement of this Order Provided further that the Corporation shall not (unless the Secretary of State otherwise directs) sell feu excamb lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to enquire whether the direction of the Secretary of State is necessary or has been obtained.

(2) The proceeds of any such sale and any other receipts of a capital nature arising in connection with Camperdown Estate shall be applied towards capital expenditure in connection with Camperdown Estate including the improvement of Camperdown Estate and until such time as the moneys are so applied shall be separately funded and the income derived from the investments of the fund shall be included in and form part of the ordinary income of Camperdown Estate.

As to expenditure on Camperdown Estate.

45.—(1) The Corporation shall in Part IV of their published accounts under charities and trust funds keep a separate account and balance sheet in respect of Camperdown Estate so as to show the financial position of Camperdown Estate and shall distinguish capital from revenue and as to revenue shall detail on the one side all income and on the other side all expenditure and in so far as the said expenditure is not met by income from Camperdown Estate the said expenditure may be defrayed out of the burgh fund established in pursuance of the Order of 1934 and shall be deemed to be embraced under the First Schedule to the Order of 1934 Provided that such expenditure met out of the burgh fund shall not in any one year exceed a rate of three-farthings per pound.

(2) In the event of the income received by the Corporation from Camperdown Estate exceeding in any year the amount of the expenditure incurred by the Corporation in that year in respect of Camperdown Estate there shall be contributed to the burgh fund in the following year an amount equal to the amount by which such income has exceeded such expenditure.

PART IV.
—cont.

PART V.

GAS SUPPLY.

46. This Part of this Order shall commence and have effect as on and from the sixteenth day of May one thousand nine hundred and forty-six.

Commencement
of Part V
of Order.

47. Section 53 (Limits of Act) of the Dundee Gas Act 1868 shall be read and have effect as if "the town of Dundee" and "the said town" respectively therein referred to meant the city and as if the words "all in the county of Forfar" occurring therein were omitted therefrom and the limits of the Corporation for the supply of gas (hereinafter in this Part of this Order referred to as the "gas limits") shall accordingly comprise the city together with (a) those parts of the several parishes mentioned in section 8 (Extension of limits of supply) of the Dundee Gas Amendment Act 1872 which are outside the city and (b) the area adjacent thereto within seven hundred yards beyond the boundaries of the city and shall also include that part of the parish of Longforgan in the county of Perth lying to the east of the service road leading from the Dundee-Perth main road to Mylnefield Farm Invergowrie and a straight line south-eastward in continuation thereof to low-water mark on the shore of the Firth of Tay so far as outwith the area of 700 yards beyond the boundaries of the city.

Extension of
gas limits.
31 & 32 Vict.
c. xciv.

35 Vict. c. xvii.

48.—(1) Notwithstanding anything contained in the Gas Acts the Corporation may charge for gas supplied by them to those parts of the gas limits which are outside the city such higher price as they think fit not exceeding twopence per therm in excess of the price charged by them to the same class of consumer within the city.

Price of gas
outside city.

(2) Section 10 (Price of gas within extended limits and when sold in bulk) of the Dundee Gas Amendment Act 1872 and section 27 (Amendment of section 10 of the Dundee Gas Amendment Act 1872) of the Order of 1934 are hereby repealed.

PART VI.

FINANCIAL.

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

Power to bor-
row additional
money.

(a) The sum that shall be ascertained to be the sum to be paid to the county council under the section of this Order of which the marginal note is "Payment to county council";

PART VI.
—cont.

- (b) For the purchase of lands and servitudes in respect of the waterworks authorised by the Order of 1939 (in addition to the money authorised by the Order of 1939 to be borrowed therefor) the sum of one thousand one hundred pounds;
- (c) For the construction of the waterworks authorised by the Order of 1939 (in addition to the money authorised by the Order of 1939 to be borrowed therefor) the sum of one hundred and eight thousand two hundred pounds;
- (d) For the purchase of lands and properties and the construction of the sewer work authorised by the Order of 1939 (in addition to the money authorised by the Order of 1939 to be borrowed therefor) the sum of twenty-two thousand five hundred pounds;
- (e) For the purchase of lands and servitudes in respect of the waterworks authorised by this Order the sum of one hundred and fifty pounds;
- (f) For the construction of the waterworks authorised by this Order the sum of fifteen thousand three hundred pounds;
- (g) In respect of the costs charges and expenses of and incidental to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto such sums as may be necessary.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

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

Saving for
emergency
restrictions
on borrowing.

50. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act.

Certain pro-
visions of
former Orders
as to borrowing
to apply.

51. Section 4 (Burgh fund) and section 5 (Annual estimates) of the Order of 1934 and the provisions of the Order of 1926 shall except as otherwise provided by this Order extend and apply to this Order in the same way and to the same effect as if the purposes of this Order were purposes of the said sections and Order:

Provided that section 321 (Repayment of money borrowed other than that now due by instalments or sinking fund in sixty years) of the Act of 1882 in its application to all moneys to be borrowed or raised for the purposes mentioned in subsection (1) (a) (b) (c) (d) (e)

and (f) of the section of this Order of which the marginal note is "Power to borrow additional money" shall be read and have effect as if the maximum period for the repayment thereof so far as regards the money borrowed or raised for the purposes mentioned in the said subsection (1) (a) was twenty years and so far as regards the moneys borrowed or raised for the purposes mentioned in the said subsection (1) (b) (c) (d) (e) and (f) respectively was forty years in accordance with the said section 321 as amended by section 22 (Amendment of section 321 of the Dundee Police and Improvement Consolidation Act 1882) of the Order of 1930. Any money borrowed for paying any costs charges and expenses under subsection (g) of the said section of this Order shall be repaid within five years from the commencement of this Order.

PART VI.
—cont.

PART VII.

MISCELLANEOUS.

52.—(1) Notwithstanding anything contained in the Act of 1882 (as amended by the immediately succeeding section of this Order) where the capital cost incurred by the Corporation in carrying out any of the powers vested in them with respect to any public park (including the acquisition of lands for use as a public park) is defrayed out of the income of the Sir James Caird Land Acquisition Fund and not out of the city rates it shall not be necessary for the Corporation to proceed by special order as required by the Act of 1882 (as amended by the immediately succeeding section of this Order) and the Act of 1882 (as so amended) shall be read and construed accordingly.

Amendment of
Act of 1882 as
to parks.

(2) For the purpose of this section "public park" means any public park or place of public resort or recreation (including Camperdown Park as defined in the section of this Order of which the marginal note is "Part of Camperdown Estate to be public park").

53. Section 197 (Power to purchase lands for formation of parks and to form parks) and section 268 (Incorporation of clauses of Police Act) (so far as the latter section relates to the incorporation of section 367 of the Police Act referred to in the Act of 1882) of the Act of 1882 are hereby repealed and the Act of 1882 shall be read and have effect as if the following section were inserted therein as section 197 thereof:—

Purchase &c.
of lands for
formation of
parks.

"The Corporation may from time to time by special order enlarge extend and improve the existing public parks and places of public resort or recreation belonging to them and may from time to time purchase by agreement any lands within or without the city for the purposes of a park or a public walk or public walks or a place or places of public resort or recreation and may level drain sewer pave flag lay out plant light or otherwise improve every park walk or place belonging to them and do such other acts as appear necessary to them with a view to the proper formation maintenance improvement use and enjoyment of every such park or place."

PART VII.

—cont.

Amendment of
section 12 of
Order of 1934.

54. Section 12 (Exemptions or abatements from city rates) of the Order of 1934 shall be read and have effect—

(1) as if the following proviso were inserted therein at the end of subsection 1 (a) thereof:—

“ Provided further that if the owner of any lands and heritages occupied and used mainly for the purposes of religion or occupied and used solely for the purposes of public charity as referred to under head 1 in column 1 of the Second Schedule to this Order shall receive rent therefor and shall not himself occupy the same the proportion of the city rates payable by the owners of lands and heritages shall be payable by such owner and no deduction shall be made in respect of the said proportion of the city rates ”; and

(2) as if the following proviso were inserted therein at the end of subsection 1 (c) of the said section:—

“ Provided that if the owner of any lands and heritages occupied and used solely as churches chapels or other religious meeting places for public worship as referred to in column 1 of the Third Schedule to this Order shall receive rent therefor and shall not himself occupy the same the proportion of the city rates payable by the owners of lands and heritages shall be payable by such owner and no deduction shall be made in respect of the said proportion of the city rates.”

Provision as to
registration of
births deaths
and marriages.

55. Notwithstanding anything in the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1938 a registrar of births deaths and marriages may have his known place of business or office at such place outside the district for which he is registrar as the Corporation with the approval of the Registrar General for Scotland (and in addition in any case where any registration district is not wholly within the city with the consent of the local authority concerned) may deem expedient.

Saving saving
provisions in
Act of 1882.

56. Nothing contained in this Order shall alter prejudice or affect the saving provisions contained in sections 330 (Saving rights of the Crown) 331 (Saving rights under Crown Lands Act) and 333 (Saving rights of magistrates and town council of Dundee) of the Act of 1882 but such saving provisions shall apply to this Order and for the purposes thereof.

Saving clause
for Dundee
Harbour.

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

Costs of Order.

58. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation and charged to the various departments of the Corporation in such proportions as the Corporation shall hereafter decide.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

(Referred to in the sections of this Order of which the marginal notes are " Extension of municipal and police boundaries " and " Deposit of map of city " and " Sewage disposal ").

DESCRIPTION OF THE ADDED AREAS.

WESTERN ADDED AREA.

Commencing at a point at low water mark on the shore of the Firth of Tay due south of the intersection of the centre line of Kingsway West and the prolongation of the line of the west side of the road leading from Kingsway West to Liff Road thence northward in a straight line to the said point in the centre of Kingsway West thence to and along the west side of the said road leading from Kingsway West to Liff Road and in continuation to the north side of Liff Road thence westward along the north side of Liff Road to the south-west corner of the demesne of Camperdown Estate thence northward along the west boundary of the demesne of Camperdown Estate to its north-west corner at the junction of Gourdie Brae with the Coupar Angus Road thence south-eastward along the south side of Coupar Angus Road to a point therein opposite the east side of the road known as Templeton Road thence northward across the Coupar Angus Road to the east side of the said road known as Templeton Road thence northward along the east side of the last-mentioned road to the south side of the service road leading to South Auchray Farm thence eastward passing out of the parish of Liff and Benvie and into the parish of Mains and Strathmartine along the south side of the said service road and in continuation eastward to the north-west corner of the enclosure of Clatto reservoir thence northward in continuation of the west boundary of the enclosure of Clatto reservoir to the north boundary of Baldragon Wood thence eastward along the north boundary of Baldragon Wood and in continuation eastward along the north side of the service road to Baldragon Farm and in continuation eastward to the west side of the London Midland and Scottish Railway (Dundee and Newtyle branch) thence south-eastward along the said west side of the said railway to the point where it crosses the boundary of the existing city thence south-westward passing out of the parish of Mains and Strathmartine and into the parish of Liff and Benvie and southward along the boundary of the existing city to the shore of the Firth of Tay at low-water mark thence in a westerly direction along the line of low-water mark to the point of commencement.

EASTERN ADDED AREA.

Commencing at a point on the existing city boundary in the centre line of the Dighty Water 45 yards or thereby north-east of the east side of the bridge carrying the Old Glamis Road over the Dighty Water thence proceeding in a straight line across the parish of Mains and Strathmartine in an easterly direction to a point on the boundary

1ST SCH.
—cont.

between the parish of Mains and Strathmartine and the parish of Murroes and situated on the fence between the enclosures No. 610 and No. 701 as shown on the Ordnance survey sheet (1/2500 scale) of Forfarshire sheet L.14 (edition of 1922) at a distance of 190 yards or thereby east of the centre line of the public road leading from Dundee to Forfar thence in an easterly direction along the said parish boundary for a distance of 190 yards or thereby to a point on the last-mentioned fence at the north-east corner of enclosure No. 701 as shown on the said Ordnance survey sheet thence in a straight line in an easterly direction passing out of the parish of Mains and Strathmartine into the parish of Murroes and then out of the parish of Murroes into the parish of Dundee Combination and then out of the parish of Dundee Combination into the parish of Monifieth to a point on the south side of the public road leading from Baldovie cross-roads to Kingennie railway station at the north-west corner of enclosure No. 368 as shown on the Ordnance survey sheet (1/2500 scale) of Forfarshire sheet L.16 (edition of 1922) thence in a straight line in an easterly direction across the parish of Monifieth to a point on the south side of the public road leading from Dundee to Arbroath 13 yards or thereby east of the centre line of the London Midland and Scottish Railway (Dundee/Forfar branch) thence along the boundary fence on the east side of the said railway to a point on the existing city boundary at its junction with the said boundary fence between enclosure No. 553 and enclosure No. 627 as shown on the Ordnance survey sheet (1/2500 scale) of Forfarshire sheet LV.1 (edition of 1922) thence in a westerly direction along the existing city boundary passing out of the parish of Monifieth into the parish of Dundee Combination and then passing out of the parish of Dundee Combination into the parish of Mains and Strathmartine to the point of commencement.

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Added areas to form part of adjoining wards".)

DESCRIPTION OF BOUNDARIES OF WARDS ENLARGED.

WARD SECOND.

Commencing at a point at the top of Castle Street and proceeding thence southward along Castle Street to Dock Street thence southward to the Royal Arch at the Harbour of Dundee and thence through the centre of the said Arch in a straight line to the Firth of Tay thence along the southern boundary of the city to the western boundary of the city thence northward along the said boundary to the centre line of Perth Road thence eastward along the centre line of Perth Road to the centre line of Small's Wynd thence northward along the centre line of Small's Wynd and Hunter Street to the centre line of Brook Street thence eastward along the centre line of Brook Street West Port Overgate and High Street to the point of commencement.

WARD THIRD.

2ND SCHEDULE
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Commencing at a point in Lawside Road at its junction with Law Steps and proceeding westward along Law Steps to Lochee Road thence southward along the centre line of Lochee Road to Tullideph Road thence westward along the centre line of Tullideph Road to City Road thence northward along the centre line of City Road and Logie Street to Ancrum Road thence westward along the centre line of Ancrum Road to Backhill Road thence westward along Backhill Road and the footpath in continuation thereof to the footpath leading from Invergowrie House to Dundee linoleum works thence along the said footpath in a northerly direction to South Road thence westward along the centre line of South Road to the western boundary of the city thence northward and eastward following the city boundary to the point where it crosses Strathmartine Road thence southward along the centre line of Strathmartine Road to the western boundary of the property known as Bracken Bruach thence southward along the said boundary to the south-west corner thereof thence southward in a straight line to the north-east corner of Downfield Golf Course thence southward along the eastern boundary of Downfield Golf Course to Macalpine Road thence along the west side of Macalpine Road to Kingsway West and crossing Kingsway West thence along the centre line of Clepington Road to Johnston Avenue thence along the centre line of Johnston Avenue to the centre line of Strathmore Avenue thence westward along the centre line of Strathmore Avenue to Alpin Road thence along the centre line of Alpin Road to Loons Road thence westward along Loons Road to Lawside Road thence southward along Lawside Road to the point of commencement.

WARD FOURTH.

Commencing at the junction of the centre lines of Dens Road and Dura Street thence along the centre line of Dura Street and Pitkerro Road to Longhaugh Road thence in a northerly direction along the centre line of Longhaugh Road to the city boundary thence in an easterly direction along the said boundary to a point therein in a line with the prolongation northward of the boundary between the parish of Mains and Strathmartine and the parish of Dundee Combination thence southward along the said prolongation and along the said parish boundary to the centre line of Drumgeith Road thence westward along the centre line of Drumgeith Road to a point opposite the west side of the road leading past Greenfield House thence in a southerly direction along the west side of the said road to the boundary between the parishes of Mains and Strathmartine and Dundee Combination thence following the said parish boundary in an easterly direction to a point on the said boundary opposite the prolongation northward of the footpath which leads in a southerly direction to Milton of Craigie Farm cottar houses thence along the said footpath to its junction with Milton of Craigie Farm Road which runs eastward and westward thence in a southerly direction in a straight line to a point on the centre line of Arbroath Road in line with the east boundary to the estate of Craigie thence westward along the centre line of Arbroath Road thence south-westerly and westerly along the centre line of Princes Street and King Street to King's Road thence northward along the centre line of King's Road to Victoria Road thence westward along Victoria Road to Forebank Road thence

2ND SCH.
—cont.

northward along Forebank Road to Ann Street thence eastward along the centre line of Ann Street to Cotton Road thence southward along Cotton Road to Laing Street thence eastward along the centre line of Laing Street to the point of commencement.

WARD FIFTH.

Commencing at the junction of the centre line of Dens Road and Dura Street thence along the centre line of Dura Street and Pitkerro Road to Longhaugh Road thence in a northerly direction along Longhaugh Road to the city boundary thence in a westerly direction along the city boundary to its junction with Old Glamis Road thence in a generally southerly direction along the centre line of Old Glamis Road Provost Road and Dens Road to the point of commencement.

WARD SEVENTH.

Commencing at the junction of the centre line of Dudhope Terrace and Inverlaw Place thence proceeding eastward along the centre line of Dudhope Terrace Somerville Place and Constitution Street to a point 110 yards or thereby east of the centre line of Upper Constitution Street thence northward in a straight line to the junction of the east side of Carmichael Street and the south side of McKinnon Street thence to the junction of the centre lines of Carmichael Street and McKinnon Street thence northward along the centre line of Carmichael Street and Bruce Street to Byron Street thence westward along the centre line of Byron Street to Milton Street thence northward along the centre line of Milton Street to Strathmore Avenue thence eastward along the centre line of Strathmore Avenue thence eastward along the centre line of Moncur Crescent to Provost Road thence northward along the centre line of Provost Road to Clepington Road thence northward along the centre line of Old Glamis Road to the city boundary thence westward and northward along the city boundary to the point where it crosses Strathmartine Road thence southward along the centre line of Strathmartine Road to the western boundary of the property known as Bracken Bruach thence southward along that said boundary to the south-west corner thereof thence in a straight line to the north-east corner of Downfield Golf Course thence along the eastern boundary of Downfield Golf Course to Macalpine Road thence along the west side of Macalpine Road to Kingsway West and crossing Kingsway West thence along the centre line of Clepington Road to Johnston Avenue thence along the centre line of Johnston Avenue to the centre line of Strathmore Avenue thence westward along the centre line of Strathmore Avenue to Alpin Road thence along the centre line of Alpin Road to Loons Road thence westward along the centre line of Loons Road to Lawside Road thence southward along the centre line of Lawside Road to Albany Terrace thence eastward along the centre line of Albany Terrace to Inverlaw Place thence southward along the centre line of Inverlaw Place to the point of commencement.

WARD EIGHTH.

Commencing at a point in the common junction of North Tay Street and Overgate and proceeding thence in a northerly direction along the centre line of North Tay Street and Lochee Road to the western boundary of Dudhope Park thence in a northerly direction along that boundary to Dudhope Terrace thence eastward along the

south side of Dudhope Terrace to Inverlaw Place thence northward along the centre line of Inverlaw Place to Albany Terrace thence westward along the centre line of Albany Terrace to Lawside Road thence northward along the centre line of Lawside Road to Law Steps thence westward along the centre line of Law Steps to Lochee Road thence southward along the centre line of Lochee Road to the junction of Lochee Road and Tullideph Road thence westward along the centre line of Tullideph Road to City Road thence northward along the centre line of City Road and Logie Street to Ancrum Road thence westward along the centre line of Ancrum Road to Backhill Road thence westward along Backhill Road and the footpath in continuation thereof to the footpath leading from Invergowrie House to Dundee linoleum works thence northward along the said footpath to South Road thence along the centre line of South Road to the city boundary thence southward along the city boundary to the eastern side of the London Midland and Scottish Railway (Dundee and Newtyle branch) thence southward along the eastern boundary of the said railway to the farm road leading to Invergowrie House thence eastward along the said farm road to Menzieshill Farm Road thence southward along the said farm road to Glamis Drive thence eastward along the centre line of Glamis Drive Blackness Road Brook Street and West Port to the point of commencement.

WARD NINTH.

Commencing at a point in the centre line of Perth Road opposite Small's Wynd and proceeding thence in a westerly direction along the centre line of Perth Road to the western boundary of the city thence following the western boundary of the city to a point therein at the eastern side of the London Midland and Scottish Railway (Dundee and Newtyle branch) thence along the eastern boundary of the said railway in a southerly direction to the farm road leading to Invergowrie House thence eastward along the said farm road to Menzieshill farm road thence southward along the said farm road to Glamis Drive thence eastward along the centre line of Glamis Drive Blackness Road and Brook Street to its junction with Hunter Street thence southward along the centre line of Hunter Street and Small's Wynd to the point of commencement.

WARD TENTH.

Commencing at a point in the foreshore of the river Tay opposite the continuation southward of the east side of Margaret Crescent thence northward to and along the east boundary of Craigie estate thence northward along the said boundary to Arbroath Road thence northward in a straight line to the junction of Milton of Craigie Farm Road which runs eastward and westward with the footpath immediately to the east of the Milton of Craigie Farm cottar houses thence northward along the said footpath and in continuation thereof to a point on the boundary between the parishes of Mains and Strathmartine and Dundee Combination thence in a westerly direction along the said boundary to a point in the west side of the road leading past Greenfield House to the centre line of Drumgeith Road thence eastward along the centre line of Drumgeith Road to the boundary between the parishes of Mains and Strathmartine and Dundee Combination thence northward along that boundary and the

2ND SCH.
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prolongation thereof northward in a straight line to a point on the city boundary thence eastward along the city boundary to the boundary between the parish of Dundee Combination and the parish of Monifieth at the Murroes Burn thence southward along the said parish boundary (following the line of the Murroes Burn to its junction with the Dighty Water) thence westward along the Dighty Water to the west boundary of Linlathen Estate thence southward along the said west boundary to Arbroath Road thence eastward along Arbroath Road to the footpath leading to Forthill Road thence southward along the said footpath the centre line of Forthill Road and Fort Street to the foreshore of the river Tay thence in a westerly direction along the city boundary to the point of commencement.

WARD ELEVENTH.

Commencing at a point in the foreshore of the river Tay opposite the continuation southward of the centre line of Fort Street thence northward to and along the centre line of Fort Street Forthill Road and footpath to the centre line of Arbroath Road thence westward along the centre line of Arbroath Road to a point opposite the west boundary of Linlathen Estate thence northward along the said boundary to the Dighty Water thence eastward along the Dighty Water to its junction with Murroes Burn thence in a northerly direction along the Murroes Burn to the city boundary thence in a south-easterly and south-westerly and southerly direction along the city boundary to the foreshore of the river Tay thence in a westerly direction along the city boundary to the point of commencement.

THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Differential assessments in added areas").

No. (1)	County districts. (2)	Owners' rates. (3)	Occupiers' rates. (4)
1	Liff and Benvie	4/7.25d.	4/7.25d.
2	Mains and Strathmartine ...	4/7.75d.	4/7.75d.
3	Murroes	4/9d.	4/9d.
4	Monifieth	4/7.75d.	4/7.75d.
5	Dundee Landward	4/9.25d.	4/9.25d.

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