CHAPTER cvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Corporation (Electricity Works Railway). A.D. 1921.

[19th August 1921.]

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

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

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

2. This Act may be cited as the Aberdeen Corporation (Electricity Works Railway) Order Confirmation Act 1921. Short title.

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SCHEDULE.

ABERDEEN CORPORATION.

Provisional Order to authorise the Corporation of the City of Aberdeen to make a Railway from the Caledonian Railway to the Corporation Electricity Works to use certain Lands for an Electrical Generating Station and for storing Coal and for other purposes.

WHEREAS under the authority of the Aberdeen Electric Lighting Order 1890 the Aberdeen Corporation Act 1891 and the Aberdeen Corporation Electricity Act 1907 the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter respectively referred to as "the Corporation" and "the city") generate and distribute electricity in the city and in the extended area of supply defined in the last-mentioned Act for lighting heating and power:

And whereas for such purposes the Corporation generate electricity at the electricity works situate in the city between Millburn Street and Dee Village Road (hereinafter referred to as "the electricity works") and it is expedient that the electricity works should be enlarged and that accommodation adjoining the electricity works should be provided for the storage of coal:

And whereas the Electricity Commissioners have given their consent to plans prepared by the Corporation for the enlargement of the electricity works:

And whereas there is no railway connecting the electricity works with any of the railway systems serving the city or the harbour rails and sidings of the Aberdeen Harbour Commissioners and all coal required for consumption at the electricity works is at present carted through the streets of the city:

And whereas the provision of railway communication between the electricity works and the railways and sidings of the Caledonian Railway Company and the harbour rails and sidings of the Aberdeen Harbour Commissioners

would facilitate the conveyance of coal for use at the electricity works and would reduce the cost of working the electricity undertaking of the Corporation:

And whereas by reason of the position of the electricity works in relation to the existing railways and of the configuration of the adjoining land no railway connection between them can be provided except by means of a railway to be laid along the streets and roads of the city:

And whereas it is expedient to authorise the Corporation to lay down the railways hereinafter described and to work and use the same for the purposes of the electricity works:

And whereas it is expedient that the other powers hereinafter mentioned should be conferred on the Corporation in relation to their electricity undertaking:

And whereas estimates have been prepared by the Corporation of the sums of money which will be required for the execution of the works authorised by this Order including the purchase of lands and the said estimates are as follows:—

	£
For the purchase of lands - - -	35,000
For the construction of railways and sidings - - - - - - -	30,000
For providing locomotives and other plant - - - - - - -	10,000
Total - -	75,000

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

And whereas plans and sections showing the lines and levels of the railways authorised by this Order and plans of the lands to be taken under the powers of this Order and a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands were duly deposited with the principal sheriff clerk of the county of Aberdeen and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

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

Short title and citations.

1. This Order may be cited as the Aberdeen Corporation (Electricity Works Railway) Order 1921 and this Order and the Aberdeen City Acts 1862 to 1920 may be cited together as the Aberdeen City Acts 1862 to 1921.

Interpretation.

2. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and the following expressions shall have the meanings assigned to them in this section—

"The city" means the city and royal burgh of Aberdeen;

"The Corporation" means the lord provost magistrates and town council of the city;

"The Act of 1891" means the Aberdeen Corporation Act 1891;

"The City Acts" means the Aberdeen City Acts 1862 to 1920;

"The electricity undertaking" means the electricity undertaking of the Corporation and includes the existing electricity works and the works authorised by this Order;

"The electricity works" means the electricity works of the Corporation situated between Millburn Street and Dee Village Road and any enlargement thereof hereafter made on the lands described in Part I of the schedule to this Order;

"The railways" means the railways hereinafter described and authorised by this Order;

"The Commissioners" means the Aberdeen Harbour Commissioners;

"Road" or "street" includes any quay belonging to the commissioners;

"The road authority" in the Tramways Act 1870 and in this Order means the commissioners as regards the quays roads and streets belonging to the commissioners;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

"The sheriff" means the sheriff of Aberdeen Kincardine and Banff and includes his substitutes.

In the Acts incorporated with this Order unless there be something repugnant to such construction the expression "the undertakers" means the Corporation.

Incorporation of Acts.

3. The following 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:—

The Lands Clauses Consolidation (Scotland) Act 1845 except section 120 (relating to the sale of superfluous lands); and

The following provisions of the Tramways Act 1870—

Section 26 (Power to break up streets &c.);

Section 27 (Completion of works and reinstatement of road);

Section 28 (Repair of part of road where tramway is laid);

Section 29 (Road authority and promoters may contract for paving roads on which tramways are laid);

Section 30 (Provision as to gas and water companies);

Section 31 (For protection of sewers &c.);

Section 32 (Rights of authorities and companies &c. to open roads);

Section 33 (Difference between promoters and road authority &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 50 (Penalties for wilful injury or obstruction to tramways &c.);

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Section 54 (Penalty for persons using tramways with carriages with flange wheels &c.);

Section 55 (Promoters or lessees to be responsible for all damages);

Section 57 (Right of user only);

Section 59 (Reservation of rights of owners &c. of mines);

Section 60 (Reserving powers of street authorities to widen &c. roads);

Section 62 (Reservation of right of public to use roads).

Power to make railways to electricity works.

4. Subject to the provisions of this Order the Corporation may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the railways hereinafter described with all proper junctions sidings approaches works and conveniences connected therewith.

The railways hereinbefore referred to and authorised by this Order are:

A Railway—No. 1 (4·73 chains or thereabouts in length) commencing by a junction with the railway siding situated in the Aberdeen goods yard of the Caledonian Railway Company and known as the Shore Road Siding at a point 45 yards or thereabouts westward from the west side of Market Street passing thence eastwards to Market Street thence southwards along Market Street and terminating in that street at a point 8 yards or thereabouts measured in a northerly direction from the north end of the harbour weighbridge in Market Street opposite Commercial Quay:

A Railway—No. 2 (6·35 chains or thereabouts in length) commencing at the termination of Railway No. 1 by a junction with that railway passing thence southwards along Market Street and terminating in that street at a point 18 yards or thereabouts measured in a southerly direction from the line of the buildings on the south side of Palmerston Road:

A Railway—No. 3 (4 furlongs 2·08 chains or thereabouts in length) commencing at the termination

of Railway No. 2 by a junction with that railway passing thence southwards along Market Street to North Esplanade West thence along North Esplanade West to Palmerston Place thence along Palmerston Place to Wellington Road thence across Wellington Road and into and over land forming part of the electricity works to Dee Village Road thence across that road and terminating on lands situate on the north side of Dee Village Road at a point 38 yards or thereabouts measured in an easterly direction from the north-eastern corner of the existing boiler house of the electricity works.

Railways to be laid along streets

5. Subject to the provisions of this Order the Corporation may in the construction of the railways carry the same along across and on the level of the roads or streets next hereinafter mentioned (that is to say) :—

Number on deposited Plans.	Parish.	Description of Road or Street.
2 3	City Parish of Aberdeen	Market Street
4	The same	North Esplanade West
5	The same	Palmerston Place
6	The same	Wellington Road

Rails to be on level of road surface.

6. The railways where laid along or across a road or street on the level shall be constructed and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road or street.

Gauge.

7. The railways shall be constructed on a gauge of four feet eight and a half inches.

Railways to be laid as a single line.

8. The railways where laid along or across a road or street shall be constructed as a single line only.

Power to deviate.

9. In the construction of the railways authorised by this Order the Corporation may except as otherwise hereinafter provided in the sections of this Order the marginal notes of which are "For protection of Harbour Commissioners" "For protection of Caledonian Railway Company" and "For protection of Great North of Scotland Railway Company" deviate laterally from the lines shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans

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and vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Compulsory acquisition of lands.

10. Subject to the provisions of this Order the Corporation may except as otherwise hereinafter provided in the sections of this Order the marginal notes of which are "For protection of Caledonian Railway Company" and "For protection of Great North of Scotland Railway Company" enter upon take and use for the purposes of this Order all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for compulsory purchase of lands.

11. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after five years from the passing of the Act confirming this Order.

Provision with regard to tenants displaced.

12.—(1) Notwithstanding anything contained in this Order the Corporation shall not require any tenant who was in occupation at the first day of January one thousand nine hundred and twenty-one of premises within the lands described in Part I and Part II of the schedule to this Order to give up possession of such premises within the respective periods hereinafter specified unless and until the Corporation shall have provided for such tenant to be so displaced alternative accommodation in the same neighbourhood and reasonably equivalent as regards rent and suitability in all respects (that is to say):—

(A) Within the period of five years from the passing of the Act confirming this Order as regards the lands described in Part I of the said schedule; and

(B) Within the period of seven years from the passing of the Act confirming this Order as regards the lands described in Part II of the said schedule in so far as such lands are not included in Part I of the said schedule:

but that only while and so long as such tenants punctually pay the rent due for their premises and observe the customary conditions of their respective tenancies.

For the purposes of this section the expressions "tenant" and "tenancy" shall have the same meaning

as in section 12 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 and the expression "alternative accommodation" shall mean alternative accommodation for such portion of the said respective periods as may remain unexpired at the date of displacement of the tenant.

(2) Nothing in this section shall diminish or affect the obligation on the Corporation under the Housing (Scotland) Acts 1890 to 1919 to obtain the previous approval by the Scottish Board of Health of a scheme for re-housing persons of the working class who may be displaced for the purposes of this Order or shall alter the restrictions and obligations imposed on landlords or the obligations imposed or rights and privileges conferred on tenants by virtue of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 during the continuance of that Act.

Stopping up of Dee Village Road.

13.—(1) As soon as the Corporation shall have acquired and shall have obtained possession of the lands on both sides of Dee Village Road they may stop up Dee Village Road between Wellington Road and Crown Street Provided that when the Corporation shall have acquired the lands on both sides of Dee Village Road and shall have provided in accordance with the provisions of the section of this Order of which the marginal note is "Provision with regard to tenants displaced" alternative accommodation for the tenants of the dwelling-houses on the lands marked Nos. 11 and 12 on the deposited plans they may stop up the portion of Dee Village Road between Wellington Road and a line drawn across Dee Village Road in continuation of the west gable of the dwelling-house on the lands marked No. 12 on the deposited plans.

(2) The site and soil of the said road or portion thereof when stopped up shall be and the same are hereby vested in the Corporation freed and discharged from the public use thereof and all rights of way over the same shall cease.

Extinction of private rights of way.

14. All private rights of way over any lands which the Corporation are authorised by this Order to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law

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with reference to the taking of lands otherwise than by agreement.

Extension of electricity works.

15. When the Corporation have acquired the lands described in Part I of the schedule to this Order they may use the same or any part thereof for the purpose of extending the electricity works and may erect and maintain thereon all necessary and convenient buildings engines dynamos transformers accumulators motors machinery and appliances for the purpose of generating transforming distributing and storing electrical energy.

Lands for coal storage.

16. When the Corporation have acquired the lands or part of the lands described in Part II of the schedule to this Order they may use the same or any part thereof for the purpose of storing handling conveying and using coal and other materials used or to be used at the electricity works and for those purposes they may lay down erect maintain and use all necessary and convenient sidings buildings machinery and appliances.

Power to break up streets &c.

17. For the purposes and during the construction repair or renewal of the railways the Corporation may use break up cross over or under alter or stop up temporarily any streets paths railways rails sidings bridges tramways sewers drains watercourses gas pipes or water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street railway rail siding bridge or tramway or the flow of water gas sewage or electricity in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section Where the railways are laid along or across any road or street the provisions of the Tramways Act 1870 incorporated with this Order shall apply to all works executed by the Corporation under the powers of this section.

Plan of proposed mode of construction.

18. Where the railways are laid upon a road or street the Corporation shall in addition to complying with the requirements of section 26 of the Tramways Act 1870 lay before the Minister of Transport and the road authority of any road or street not maintainable by the Corporation

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a plan showing the proposed mode of constructing laying down and renewing such portion of the railways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down and renewal of such portion of the railways until such plan and statement have been approved by the Minister of Transport and the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and so far as the works are situate in such road or street under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Rails to be approved by Minister of Transport.

19. The rails of the railways where laid upon a road or street shall be such as the Minister of Transport may approve.

Railways may be worked by steam or other mechanical power.

20. The Corporation may work the traffic on the railways by steam or other mechanical power including electrical power but such electrical power shall be entirely contained in and carried along with the engines or wagons used upon the railways.

Period for completion of railways.

21. The railways authorised by this Order and shown on the deposited plans shall be completed within seven years from the passing of the Act confirming this Order and on the expiration of that period the powers by this Order granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty for not maintaining rails and roads.

22.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the railways where laid upon a road or street and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Minister of Transport by twenty inhabitant ratepayers of the city that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the

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Minister of Transport may if he thinks fit direct an inspection by an officer to be appointed by him and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Ministry of Transport may be adduced as evidence of the default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Penalty for malicious damage to railways.

23. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the railways anything which is calculated to obstruct or interfere with the working of the railways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to the railways shall be liable to a penalty not exceeding twenty pounds.

Use of harbour rails and sidings.

24.—(1) The Corporation and any company or person lawfully using the railways may subject to the provisions of this Order run over and use with their engines and wagons and their officers and servants employed on or about the railways or at the electricity works so much of the harbour rails and sidings of the Commissioners as shall be necessary for the conveyance of traffic to or from the Aberdeen Goods Yard of the Caledonian Railway Company from or to the electricity works together with all junctions roads points signals and conveniences on or connected with the said harbour rails and sidings.

(2) In running over and using the said harbour rails and sidings in accordance with the provisions hereinbefore contained the regulations and byelaws for the time being in force on the said harbour rails and sidings so used shall be at all times observed so far as such byelaws shall be applicable.

Agreements with Harbour Commissioners and railway companies.

25. The Corporation on the one hand and the Commissioners the Caledonian the Great North of Scotland and the North British Railway Companies or any one or more of them or any other company or person on the other hand may from time to time enter into and carry

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into effect agreements with respect to the use of and the conveyance of traffic on the railways and the railways of the Caledonian Railway Company and the harbour rails sidings turntables and other works of the Commissioners or any part thereof and also with respect to the working of the railways and the supply of wagons or other carriages and locomotive or other power necessary for the purposes of such agreements Provided that no such agreement with respect to the use of and conveyance of traffic on the said harbour rails sidings turntables and other works of the Commissioners or any part thereof shall to any extent or in any way affect the Commissioners or prejudice their rights and powers over or with respect to the said rails sidings turntables and other works in any case where the Commissioners are not a party to such agreement.

For protection of Postmaster-General's telegraphic lines.

26.—(1) Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(2) In the event of electrical power being used for the purpose of working the traffic on the railways or of electrical power being supplied in pursuance of any agreement made under the provisions of this Order such power shall not be used or supplied and any works constructed for the purpose of such use or supply shall not be constructed maintained or used in such manner as to cause or be likely to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

For further protection of Postmaster-General.

27. Nothing in this Order or in any agreement made under the authority of this Order shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Caledonian Railway Company made in pursuance thereof any larger number of telegraphic messages of the said company free of charge than he would have been bound to transmit had this Order not become law.

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For protection of Harbour Commissioners.

28. For the protection of the Commissioners the following provisions shall apply and have effect (that is to say):—

(1) The jurisdiction of the Commissioners as the road authority in the Tramways Act 1870 shall for the purposes of this Order commence at a line drawn across Market Street at right angles to the imaginary centre line of Market Street from a point at or opposite to the north side of the northmost entrance to the Aberdeen goods yard of the Caledonian Railway Company and extend southwards or thereby along Market Street to a line drawn across Market Street in continuation of the imaginary centre line of Poynernook Road:

(2) In so far as the railways will be laid on the roads and streets belonging to the Commissioners the mode of laying the same and the construction of the works connected therewith and all details in regard to junctions sidings crossings and other matters relating to or affecting the public convenience or safety shall previous to the commencement of the works be submitted to the Commissioners who may require such alterations to be made as they may think fit and the railways shall be laid and the works connected therewith executed to the satisfaction of the Commissioners:

(3) The portion of Railway No. 1 situated on the roads or streets belonging to the Commissioners outside the Aberdeen goods yard of the Caledonian Railway Company shall when completed by the Corporation become the property of and be vested in the Commissioners and shall form part of their harbour rails:

(4) Notwithstanding anything contained in this Order or shown on the deposited plans and sections the Corporation shall not construct Railway No. 2 and in the place of Railway No. 2 the Corporation may subject to the provisions of this Order use for the conveyance of the traffic on the railways authorised by this Order that portion of the harbour rails of the Commissioners which is situated between the

termination of Railway No. 1 and the commencement of Railway No. 3:

(5) Nothing in this Order contained shall entitle the Corporation in the construction of the railways and relative works situated on or affecting the roads and streets belonging to the Commissioners to deviate laterally or vertically from the lines and levels shown on the deposited plans and sections without the consent in writing of the Commissioners:

(6) Nothing in this Order contained shall lessen limit or abridge the powers conferred by the Aberdeen Harbour Act 1895 on the Commissioners to levy demand and take from the Corporation or from any other person corporation or company using any lines of harbour rails sidings or turntables provided by or belonging to the Commissioners for the purpose of the last-mentioned Act including the said portion of Railway No. 1 and that portion of the said harbour rails which is situated between the termination of Railway No. 1 and the commencement of Railway No. 3 such rates as the Commissioners shall from time to time fix in virtue of the said Act or of any Act or Acts amending the same nor the powers thereby conferred of recovering such rates nor generally shall in any way or to any extent lessen limit or abridge the powers with reference to the lines of harbour rails sidings or turntables possessed by the Commissioners in virtue of the said Aberdeen Harbour Act 1895 and the said other Acts or their powers in virtue thereof of passing any byelaws for regulating the use of the said harbour rails sidings and turntables Provided always that any rate to be charged by the Commissioners against the Corporation for the use of the said portion of Railway No. 1 and of the said portion of the said harbour rails situated as aforesaid shall be so charged subject to a discount or abatement of thirty-three and one-third per centum in respect of traffic other than the carriage of merchandise to or from vessels within the docks or harbour of Aberdeen or of merchandise which has been

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imported by vessels arriving at the said docks or harbour or which shall be exported by vessels sailing therefrom And provided further that the said rate to be charged for traffic (other than as aforesaid) shall not be less than the rate which may be charged at the time by the Commissioners against the Corporation in terms of section 56 of the Aberdeen Extension and Improvement Act 1883 for traffic (other than as aforesaid) passing over the harbour rails to and from the gasworks of the Corporation and that the said discount or abatement shall not be granted or shall be reduced if and in so far as may from time to time be required in fulfilment of this provision.

For protection of Caledonian Railway Company.

29. Whereas by the section of this Order the marginal note of which is "Power to make railways to electricity works" the Corporation are authorised to make and maintain the railways therein described.

Therefore the following provisions for the protection of the Caledonian Railway Company (hereinafter in this section called "the company") shall notwithstanding the powers conferred by this Order and unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

(1) In this section the expression "railways works and property of the company" includes any lines of railway sidings stations and all other buildings bridges and the abutments thereof and approaches thereto roads streets accesses sewers drains gas and water pipes or conduits telegraph lines posts wires telegraphic and telephonic apparatus and signals and signalling appliances and all other works and conveniences land or property belonging to or leased worked or maintained by the company:

(2) The Corporation shall not under the powers of this Order take or acquire by compulsion any lands or property of the company or any right in or over the same but the Corporation may purchase and the company shall if required by the Corporation sell such servitude in over or upon the lands property and works of the company as may be required for making and

maintaining in accordance with the provisions of this Order and subject to the provisions of this section the railways and relative works by this Order authorised The consideration to be paid for any such servitude shall failing agreement be determined in the manner provided by the Lands Clauses Acts with respect to the taking and purchase of land otherwise than by agreement and for the purposes of any such determination the acquisition of such servitude shall be deemed to be a taking of land within the meaning of section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 Provided that the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 shall not apply to the determination of any such compensation:

(3) Before commencing the railways and relative works or any operations under the powers conferred on them by this Order affecting the railways works and property of the company the Corporation shall submit to the company plans sections working drawings and specifications thereof showing the lines and levels and the manner in which the railways and the relative works or operations are to be carried out as well as the design materials and mode of execution thereof for the reasonable approval of the company which approval shall be deemed to have been given unless the company signify their disapproval within twenty-eight days after submission of the said plans sections working drawings and specifications for approval:

(4) The railways and the relative works and operations of the Corporation shall be constructed carried on and completed in strict conformity with the plans sections working drawings and specifications so approved or deemed to have been approved by the company at the sole risk and cost of the Corporation and at the sight and to the reasonable satisfaction of the company and the railways and relative works so long as they exist shall be maintained repaired or renewed by the Corporation in the lines and levels

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shown on the said plans sections and working drawings and as described in the said specifications at their sole risk and cost and at the sight and to the reasonable satisfaction of the company and the Corporation shall execute at their own cost any additional works which the Ministry of Transport may require to be executed either before or after the railways and the relative works are authorised to be opened for traffic In the event of the Corporation desiring to reconstruct alter renew or extend the said railways and relative works so far as affecting the railways works and property of the company they shall before commencing such work of reconstruction alteration or renewal submit plans sections working drawings and specifications of the same to the company for their reasonable approval in the manner hereinbefore provided and such reconstruction alteration or renewal shall be carried out and completed by the Corporation and thereafter maintained by them as shown on the said plans sections and working drawings and described in the said specifications so approved all at the sole risk and cost of the Corporation And it is further provided that the railways and relative works of the Corporation so far as situated within the Aberdeen goods yard of the company shall be constructed and completed and thereafter be maintained by the company at the sole risk and expense of the Corporation and the Corporation shall pay to and reimburse the company in the whole cost incurred by them in carrying out the said work as the same shall be certified by the engineer-in-chief of the company :

(5) The Corporation shall not without the previous consent in writing of the company enter upon any of the railways works and property of the company situated within the said goods yard except for the purpose of preparing plans sections working drawings and specifications and of inspecting the work hereinbefore provided to be carried out by the company or enter upon alter or interfere with any other railways works and property of the company further or other-

wise than may be necessary for constructing and maintaining the said railways and relative works of which they shall give the company twenty-eight days' notice except in cases of emergency in which case notice shall be given as early as possible:

(6) Nothing in this Order contained shall entitle the Corporation in the construction of the railways and relative works situated on or affecting the railways works and property of the Company to deviate laterally or vertically from the lines and levels shown on the deposited plans and sections without the consent in writing of the company:

(7) The Corporation shall subsequent to the approval of the said plans sections and specifications as hereinbefore provided give fourteen days' previous notice in writing to the company of their desire that the company shall commence the construction of the works hereinbefore provided to be carried out by the company or that the Corporation intend to commence the construction of the railways and relative works affecting any of the said railways works and property of the company and such railways and relative works shall be completed with all reasonable despatch:

(8) The Company may in their discretion from time to time erect maintain and alter such signal cabins signalling apparatus signals and conveniences as may be requisite in connection with the junction of Railway No. 1 with the railways of the company with all proper conveniences either on their own land or on land which the Corporation shall if required by the company be bound to provide for the purpose at their own expense and may appoint and remove such signalmen watchmen and other persons as may be necessary for working the same and for the prevention of danger to detention of or interference with the traffic on the company's railways at or near the said junction and the company shall have exclusive control of the working and management of such signal cabins signalling apparatus signals and conveniences wherever situate and of such

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signalmen watchmen and other persons in this subsection mentioned and all the expense of erecting altering maintaining and working such signal cabins signalling apparatus signals and conveniences and of employing and paying such signalmen watchmen and other persons and all incidental current expenses at the end of every half-year shall be repaid by the Corporation to the company:

(9) Should it be necessary in the opinion of the company in consequence of the construction of the railways or any of the works of the Corporation for the company at any time permanently or temporarily to alter or to remove the signal cabins signalling apparatus signals telegraph posts and wires or any of them on or connected with the railways of the company the Corporation shall bear and on demand pay to the company the expense of and connected with such alteration and removal and of restoring the same to their former position or placing them in a different position or of substituting other necessary signalling apparatus telegraph posts and wires or other conveniences therefor:

(10) Subject to the provisions of the section of this Order the marginal note of which is "Agreements with Harbour Commissioners and railway companies" the traffic of the Corporation will be delivered by the company on the siding in the said goods yard with which the railway and works of the Corporation may form a junction and the Corporation shall uplift the said traffic from the said siding and shall deposit empty wagons thereon or on an adjoining siding appointed for that purpose all at such times as may be fixed by the company and subject in every respect to such regulations as may be from time to time prescribed by them with respect to the working of such traffic and so as not to interfere with interrupt or delay the receiving forwarding or delivering of other traffic over the railways of the company:

(11) In the event of the Corporation raising or lowering the roadway of Palmerston Place where

it passes under the bridge carrying the railways of the company over Palmerston Place the Corporation shall make adequate provision for the drainage of Palmerston Place where raised or lowered under the said bridge and for the drainage of Wellington Road and Palmerston Road and any portion of the abutments of the said bridge and retaining walls in connection therewith that may be exposed by such lowering of Palmerston Place shall be dressed and finished uniformly with the part thereof above the present surface of the ground If the level of the roadway is lowered the said bridge shall be underpinned or otherwise strengthened by the Corporation at their sole risk and expense and at the sight and to the reasonable satisfaction of the company If the Corporation shall raise or lower the level of the above-mentioned portion of the roadway of Palmerston Place the Corporation shall so alter the levels of Palmerston Road Palmerston Place and Wellington Road as to admit of the company having as convenient access to the arches in the railway viaduct as they have at present In either event the works shall be carried out by the Corporation at their sole risk and cost and to the reasonable satisfaction of the company and the Corporation shall be responsible for and shall indemnify the company of and from all cost of maintaining the said portions of Palmerston Road Palmerston Place and Wellington Road:

(12) The Corporation shall if required by the company erect and thereafter maintain under the superstructure of the said bridge carrying the railways of the company over Palmerston Place smoke troughs or smoke shields for the protection of the said bridge from the effects of smoke or steam or of other motive power from engines using Railway No. 3 and the said work shall be carried out by the Corporation at their sole risk and expense and to the reasonable satisfaction of the company in accordance with plans and specifications to be submitted to and approved by the company in the manner hereinbefore

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provided and the Corporation shall make reasonable compensation to the company for any damage which may be occasioned to the said bridge arising out of the working by steam or other motive power of the trains on Railway No. 3 under the said bridge:

(13) The Corporation shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connection with the approval of any plans sections working drawings and specifications which may be submitted to them for approval as aforesaid or in connection with the construction or subsequent use maintenance repair reconstruction alteration renewal or extension of the railways and relative works including but without prejudice to the said generality any expenses which the company may reasonably incur in connection with the employment of inspectors signalmen watchmen and others in connection with and for the superintendence of the construction of the railways and relative works during the construction alteration renewal and repair thereof and for all precautions which may require to be taken for the safety of the said railways works and property of the company and the working of the traffic thereon on account of the construction alteration renewal or repair of the railways and relative works:

(14) All the works and operations of the Corporation under this Order including the maintenance and any alteration renewal or repair thereof shall in so far as the same affect the railways works and property of the company be constructed executed and completed by the Corporation at their sole risk and cost and so as not to injure alter or interfere with or endanger the structure or stability of any of the said railways works and property of the company or any part thereof and should any danger or injury to or interruption or impediment of or interference with the passage or conduct of traffic on the said railways and works and property of the company be caused by or be in any way owing to the works

or operations of the Corporation or the failure of or defect in any of the said works or operations or be reasonably apprehended in connection therewith the Corporation shall free of all expense to the company execute and do all such works as may be necessary to restore the damage and remove or prevent such danger injury interruption impediment or interference as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the Corporation and execute and do all such works and things as may be necessary to restore such damage or to remove or prevent such danger injury interruption impediment or interference and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith:

(15) The Corporation shall pay all costs and expenses incurred by the company and shall make compensation to the company for all loss or damage caused by such works and operations or by reason or in consequence of any interruption of or impediment to or interference with the traffic on the said railways works and property of the company The Corporation shall also free and relieve and indemnify the company of and from all sums of money damages or compensation and expenses in which they may be found liable at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the said railways and works and property of the company or any other person or persons for loss or damage caused by the works and operations of the Corporation or by reason of any such interruption impediment or interference so far as such loss or damage or interruption impediment or interference shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible;

(16) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company from maintaining and repairing and

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whenever in their discretion thought necessary reconstructing altering renewing deviating widening lengthening or enlarging the said railways and works and property of the company without interference on the part of the Corporation and without incurring any liability to them or to any person using the railways and relative works of the Corporation for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening lengthening or enlarging Provided that in the event of the company exercising any of such powers they shall do so in such manner as to cause as little damage and interference as practicable to and with the said railways and relative works and shall give (except in case of emergency in which case notice shall be given as soon as reasonably possible) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect any of the said railways or relative works Any extra expense which the company may incur in the maintenance repair reconstruction alteration renewal deviation widening or enlarging of the said railways and works and property of the company by reason of the existence of any of the said railways and relative works shall be paid by the Corporation:

(17) Any question or difference between the Corporation and the company arising under this section shall be determined by an arbiter to be agreed upon between the Corporation and the company or failing agreement to be nominated by the Minister of Transport on the application of either party.

For protection of Great North of Scotland Railway Company.

30. For the protection of the Great North of Scotland Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

(1) The Corporation shall not under the powers of this Order purchase or acquire any property of the company for the purposes of the railways

but the Corporation may acquire and the company shall if required by the Corporation grant to them the servitude or right of making maintaining and using the railways or any of them upon or over the said property The purchase money and compensation to be paid by the Corporation to the company for the acquisition of the said servitude or right shall failing agreement between them be settled in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement but the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 shall not apply to such settlement:

(2) All works (whether of construction maintenance or repair) to be executed by the Corporation which shall in any way affect any railway or line of rails belonging to the company shall be carried out at such times and under such conditions as not to obstruct or interfere with the safe convenient and uninterrupted conveyance of traffic on such railway or line of rails:

(3) The Corporation shall not under the powers of the section of this Order of which the marginal note is "Power to break up streets &c." or otherwise stop up or interfere with any street railway rails or sidings so as to prevent or render less convenient the access to or exit from any premises of the company or interfere with any railway or line of rails belonging to the company to any greater or other extent than shall be necessary for the construction of the railways in accordance with the provisions of this section:

(4) The Corporation shall repay to the company all expenses reasonably incurred by the company in the employment of watchmen and inspectors during and with reference to the execution by the Corporation of any works affecting any railway or property of the company:

(5) The Corporation shall not in constructing or maintaining the railways or in working the traffic thereon interfere unreasonably with the

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haulage of traffic by the company over the harbour rails of the Commissioners or the passage of the traffic of the company to and from the Shore Road Siding of the Caledonian Railway Company and the Deeside goods yard of the company:

(6) The Corporation shall indemnify the company against and make good to them all claims damages loss costs charges and expenses made against or sustained or incurred by the company and arising out of or attributable directly or indirectly to the exercise by the Corporation of any of the powers of this Order:

(7) Nothing in this Order contained shall entitle the Corporation in the construction of Railway No. 3 under the bridge carrying the railways of the company over Palmerston Place to deviate laterally or vertically from the lines and levels shown on the deposited plans and sections without the consent in writing of the company:

(8) In the event of the Corporation raising or lowering the roadway of Palmerston Place where it passes under the bridge carrying the railways of the company over Palmerston Place the Corporation shall make adequate provision for the drainage of Palmerston Place where raised or lowered under the said bridge and for the drainage of Wellington Road and Palmerston Road and any portion of the abutments of the said bridge and retaining walls in connection therewith that may be exposed by such lowering of Palmerston Place shall be dressed and finished uniformly with the part thereof above the present surface of the ground If the level of the roadway is lowered the said bridge shall be underpinned or otherwise strengthened by the Corporation at their sole risk and expense and at the sight and to the reasonable satisfaction of the company If the Corporation shall raise or lower the level of the above-mentioned portion of the roadway of Palmerston Place the Corporation shall so alter the levels of Palmerston Road Palmerston Place and Wellington Road as to admit of the company having as convenient

access to the arches in the railway viaduct as they have at present In either event the works shall be carried out at the sole risk and cost of the Corporation and to the reasonable satisfaction of the company and the Corporation shall be responsible for and shall indemnify the company of and from all cost of maintaining the said portions of Palmerston Road Palmerston Place and Wellington Road:

(9) The Corporation shall if required by the company erect and thereafter maintain under the superstructure of the said bridge carrying the railways of the company over Palmerston Place smoke troughs or smoke shields for the protection of the said bridge from the effects of smoke or steam or of other motive power from engines using Railway No. 3 and the said work shall be carried out by the Corporation at their sole risk and expense and to the reasonable satisfaction of the company in accordance with plans and specifications to be submitted to and approved by the company and the Corporation shall make reasonable compensation to the company for any damage which may be occasioned to the said bridge arising out of the working by steam or other motive power of the trains on Railway No. 3 under the said bridge:

(10) If any difference shall arise between the company and the Corporation with reference to the provisions of this section (other than subsection (1) thereof) such difference shall be referred to and determined by a single arbiter to be agreed upon by the parties or failing such agreement to be appointed on the application of either of the parties by the Minister of Transport and such arbiter shall have power to determine the matter in difference.

For protection of North British Railway Company.

31. In making maintaining or working the junction of Railway No. 1 with the Shore Road siding in the goods station at Aberdeen the Corporation shall not interfere with impede obstruct or delay any traffic of the North British Railway Company using or intended to

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use the said Shore Road siding or in any way prejudice the said company's use of the gateway or entrance of the said station for cart or lorry traffic and the Corporation shall be bound to pay to the said company from time to time all loss and damage suffered or sustained by the said company through any breach or breaches by the Corporation of this obligation.

Use of railways by Corporation.

32. The railways may be used by the Corporation for the conveyance to and from the electricity works of coal materials and waste but the railways shall not be used for passenger traffic and shall not be deemed to be a railway for the purposes of the Railway and Canal Traffic Acts.

Regulations as to traffic on railways.

33.—(1) The following regulations shall be applicable to the conduct of the traffic on the railways and the use of the harbour rails and sidings of the Commissioners under the authority of this Order (that is to say):—

(i) No train shall stop on any of the roads or streets unless for the purpose of avoiding accidents;

(ii) No train shall proceed at a greater rate of speed than five miles per hour;

(iii) No train shall consist of more than the locomotive engine and eight wagons or trucks;

(iv) No train shall be run between the hours of 8 a.m. and 10 a.m.;

(v) No locomotive engine shall run over or be used on the harbour rails which exceeds twenty-eight tons in weight or of which the load on the rail exceeds five tons in weight per wheel;

(vi) For the protection and safety of the public a person shall walk in advance of the locomotive engine on the harbour rails and shall give sufficient warning of the approach of the train by means of a whistle bell or other suitable instrument;

(vii) If any accident occurs on the railways resulting in bodily injury to any person the Corporation shall forthwith report the same to the Minister of Transport:

Provided always that the conduct of the traffic on the railways shall be subject to such further regulations (if any) as the sheriff on an application made to him by the

Corporation or by the Commissioners or by any two or more owners or occupiers of houses lands or heritages abutting upon any of the roads or streets along which the railways are laid may from time to time make.

(2) If the Corporation fail to observe or abide by any of the regulations hereinbefore contained or any regulation made by the sheriff under the provisions hereinbefore contained they shall for every such offence be liable to a penalty not exceeding ten pounds.

Recovery of penalties.

34. Any penalty under this Order or under any regulations made under this Order unless otherwise specially provided for may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Railways to form part of electricity undertaking.

35. Subject to the provisions of this Order the railways the lands purchased and all works incidental thereto shall for all purposes be deemed part of the electricity undertaking and the cost of constructing the railways the purchase of lands therefor and all works incidental thereto shall be paid and defrayed by the Corporation out of moneys belonging to them applicable to the electricity undertaking.

Power to borrow.

36. For the purposes of the works authorised by this Order the Corporation may borrow moneys at interest on the security of the revenues of the electricity undertaking and of the rents charges and revenues of the gas undertaking of the Corporation and of the Aberdeen gas contingent guarantee rate not exceeding the sums hereinafter in this section mentioned and the Corporation may make and grant bonds and assignations for the moneys so to be borrowed and the provisions of the Act of 1891 with respect to the form of mortgage or assignation shall in so far as applicable apply to the moneys to be borrowed under the authority of this Order.

The sums hereinbefore referred to and authorised to be borrowed are as follows (namely):—

(A) For the purchase of lands the sum of thirty-five thousand pounds:

(B)—(1) For the construction of railways and sidings the sum of thirty thousand pounds;

(2) For providing locomotives and other plant the sum of ten thousand pounds:

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(c) For paying the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto such sum as may be necessary for that purpose.

Repayment of moneys borrowed.

37. The Corporation shall make provision for the repayment of the moneys borrowed under this Order within the respective periods hereinafter mentioned by one or other of the following methods as they may see fit (that is to say) either by repaying an equal portion of principal every year or by means of equal annual instalments of principal and interest or by means of an accumulating sinking fund The periods hereinbefore referred to shall be the following (that is to say):—

(1) As to moneys borrowed for the purpose (A) mentioned in the preceding section of this Order fifty years from the date or dates of borrowing the same:

(2) As to moneys borrowed for the purpose (B) (1) mentioned in the preceding section of this Order thirty years from the date or dates of borrowing the same:

(3) As to moneys borrowed for the purpose (B) (2) mentioned in the preceding section of this Order twenty years from the date or dates of borrowing the same:

(4) As to moneys borrowed for the purpose (C) mentioned in the preceding section five years from the passing of the Act confirming this Order.

Borrowing powers under this Order to be deemed borrowing powers under Act of 1891.

38. For the purposes of the Act of 1891 the powers by this Order granted to the Corporation to borrow moneys shall be deemed a borrowing power of the Corporation within the meaning of the Act of 1891 and may be exercisable by the Corporation as if those borrowing powers had been a borrowing power of the Corporation under the Act of 1891 and the provisions of Part IV (Borrowing and Corporation Stock) of that Act shall apply to the borrowing powers by this Order granted to the Corporation and this Order shall be deemed one of the City Acts specified in the Act of 1891.

39.—(1) The Corporation shall have power— Power to re-borrow.

(A) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

40. All moneys borrowed by the Corporation under this Order shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

41. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees Correction of errors in deposited plans and book of reference.

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and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county of Aberdeen and a duplicate thereof shall also be deposited with the town clerk of the city and such certificate and duplicate respectively shall be kept by such sheriff clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may enter upon take and use the lands and execute the works in accordance with such certificate.

Costs of Order.

42. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the revenues of the electricity undertaking or out of moneys borrowed for the purposes of this Order.

The SCHEDULE.

PART I.

LANDS FOR EXTENSION OF GENERATING STATION.

A rectangular piece of land lying on the north side of the existing electricity works of the Corporation and being in part the site of Dee Village Road and bounded as follows:—

Commencing at a point on the south side of Dee Village Road thirty-nine yards or thereabouts distant from the west side of Wellington Road and passing thence westwards along the south side of Dee Village Road for a distance of seventy-five yards or thereabouts thence northwards at right angles to and across Dee Village Road for a distance of thirteen yards or thereabouts thence eastwards in a line parallel to Dee Village Road for a distance of seventy-five yards or thereabouts and thence southwards for a distance of thirteen yards or thereabouts to the point of commencement.

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LANDS FOR COAL STORAGE.

Lands situated to the north of Dee Village Road and bounded on the south by that road on the north by Portland Street on the east by Wellington Road and on the west by Crown Street.

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