CHAPTER cxxix.

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

A.D. 1925.

[22nd December 1925.]

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 :—

Confirmation of Order in schedule.

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

Short title.

2. This Act may be cited as the Aberdeen Corporation Order Confirmation Act 1925.

[*Price* 1*s. Net.*]

A.D. 1925.

SCHEDULE.

ABERDEEN CORPORATION.

Provisional Order to authorise the corporation of the city and royal burgh of Aberdeen to use part of the links for entertainment buildings to make further provision with respect to the esplanade to borrow further moneys and to make provision for other purposes.

WHEREAS the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter called "the Corporation" and "the city" respectively) are vested with the municipal and police administration of the city:

And whereas the links at Aberdeen have an area of approximately four hundred acres and extend for a distance of more than two miles along the shore of the North Sea from the River Don to Footdee adjoining the River Dee and are a favourite resort of the inhabitants of and visitors to the city:

And whereas the links are vested in the Corporation and are maintained by them as part of the public parks of the city and the Corporation in exercise of powers granted to them by the Aberdeen Corporation Order 1907 have made an esplanade on the links adjoining the seashore and pathways and carriageways along and across the links and have laid out and manage playing fields golf courses tennis courts and bowling greens on the links and have made other provision thereon for the healthful recreation of the inhabitants and visitors:

And whereas the Corporation own and manage the seabeach bathing station adjoining the links consisting of a covered swimming pool baths dressing rooms shelters and huts for the accommodation and use of bathers and a refreshment room for the convenience of persons resorting to the seashore:

A.D. 1925.

And whereas it would be for the public advantage and is expedient that the Corporation should be authorised to erect on a portion of the links near the seabeach bathing station buildings suitable for the shelter accommodation and entertainment of persons resorting to the links and the seashore and to provide entertainments and amusements in such buildings :

And whereas it is expedient that the Corporation should be authorised to improve and extend the seabeach bathing station and erect additional buildings in connection therewith :

And whereas it is expedient that the seabeach bathing station and the liability for the outstanding debt in connection therewith should be transferred from the common good of the city to the public parks department so that the receipts and expenses of the seabeach bathing station may be included in the police accounts under the second head of the estimate of the city rate :

And whereas it is expedient that the Corporation should be authorised to set apart level and lay out a portion of the links near Footdee for the holding of fairs shows and exhibitions and to make regulations for the management thereof and for the preservation of good order among persons resorting thereto :

And whereas under powers granted by the Aberdeen Corporation Order 1922 the Corporation have constructed a road extending along the South Bank of the River Don from the northern extremity of the esplanade to the Bridge of Don and by virtue of section 33 of the said Order the said road is vested in the Corporation to the same extent and effect as the other streets and roads within the city and the maintenance thereof is charged under the sixth head of the estimate of the city rate :

And whereas it is expedient that the said road should be vested in the Corporation as part of the esplanade so that it may be maintained regulated and controlled by the public parks department of the Corporation and so that byelaws to be made by the Corporation under the authority of the Aberdeen Corporation Order 1907 for the regulation of the esplanade may apply to the said road :

A.D. 1925.

And whereas it is expedient that the expense of maintaining the esplanade and the sums required for interest and sinking fund in respect of the moneys borrowed for the construction of the esplanade should be provided under the second head of the estimate for the city rate:

And whereas the Corporation are authorised by section 451 of the Aberdeen Police and Waterworks Act 1862 to provide buildings to be used for public baths and washhouses for the use and accommodation of the inhabitants and it is expedient that the Corporation should be authorised to borrow money on the security of the city rate for the provision of public baths and washhouses within the city in addition to the baths at the seabeach bathing station:

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes aforesaid and for street improvements on the security of the city rate:

And whereas it is expedient that further provision should be made for the making of a supplementary valuation roll for the assessment of lands and heritages within the city and that other provision should be made by way of amendment of the Lands Valuation (Scotland) Acts for the issue of notices of valuation the holding of appeal courts and the lodging of appeals:

And whereas by section 36 of the Town Councils (Scotland) Act 1900 it is provided that a casual vacancy in the town council shall be filled up ad interim by the town council at a meeting of the council to be held for that purpose:

And whereas it is expedient to make provision for the filling up of such casual vacancies by a special election of the electors of the ward in respect of which such vacancy has occurred:

And whereas it is expedient that provision should be made with respect to the appointment and duties of the town clerk:

And whereas it is expedient that other provisions should be made as in this Order contained for the health and good government of the city:

A.D. 1925.

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:

And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the construction of entertainment buildings	50,000
For the transfer and improvement of the seabeach bathing station	20,000
For the provision of public baths and washhouses	100,000
For repaving and recausewaying existing streets	20,000
For the widening and improvement of existing streets	80,000
For forming and laying out new streets	150,000

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

And whereas a plan showing the lands forming part of the links to be appropriated and used for the erection of entertainment buildings and for a fair ground and a book of reference thereto were duly deposited with the principal sheriff clerk of the county of Aberdeen and are hereinafter respectively referred to as the deposited plan and book of reference:

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

Short and collective titles.

1. This Order may be cited as the Aberdeen Corporation Order 1925 and this Order and the Aberdeen City Acts 1862 to 1922 may be cited together as the Aberdeen City Acts 1862 to 1925.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts (so far as the same 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 with the exception of

A.D. 1925. section 120 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous lands.

Interpretation.

3. 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 in this Order 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 City Acts" means the Aberdeen City Acts 1862 to 1922;

"The Act of 1862" means the Aberdeen Police and Waterworks Act 1862;

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

"The Order of 1907" means the Aberdeen Corporation Order 1907;

"The Order of 1911" means the Aberdeen Corporation Order 1911;

"The Order of 1922" means the Aberdeen Corporation Order 1922;

"The Lands Valuation Acts" means the Lands Valuation (Scotland) Act 1854 and the Acts amending the same;

"The city rate" means the city rate authorised to be levied by the Act of 1891.

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

Use of links for entertainment buildings.

4. Subject to the provisions of this Order the Corporation may use the lands shown on the deposited plan forming part of the links and not exceeding in the whole four acres for the erection of entertainment buildings and may erect thereon furnish equip maintain and manage buildings and halls suitable and convenient for concerts musical and dramatic performances gymnastic displays dancing cinematograph shows exhibitions

meetings and social gatherings and the playing of games together with all necessary and suitable bandstands platforms dining rooms tea rooms refreshment rooms kitchens cloak rooms lavatories shops stalls pavilions waiting rooms bicycle sheds motor car parks and other conveniences all of which are in this Order included in the expression "entertainment buildings."

Power to charge for admission to and use of entertainment buildings.

5. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any of the entertainment buildings.

Provision of concerts entertainments &c.

6.—(1) The Corporation may provide or arrange for the provision or carrying on in the entertainment buildings of entertainments including bands of music concert parties vocal and instrumental performers dancing and the playing of games and sports and may make such charges as they think fit for admission to such entertainments.

(2) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any entertainments provided in pursuance of this section.

(3) The Corporation may make byelaws for securing good and orderly conduct during any entertainments provided in pursuance of this section and the provisions of sections 475 to 483 of the Act of 1862 shall apply to such byelaws.

(4) The Corporation may as part of the working expenses of the entertainments pay or contribute towards the cost of providing and maintaining in the city and in newspapers circulating in the city advertisements of any entertainments provided in pursuance of this section.

(5) All moneys received by the Corporation under the provisions of this section shall after payment of working expenses and making provision for a contingency fund be placed to the credit of the revenues of the entertainment buildings in the city accounts.

Power to let buildings.

7.—(1) The Corporation may grant or let with or without charge the use of the whole or any part of the entertainment buildings together with the right to charge for admission thereto for the purpose of any public or other meetings or any entertainment or exhibition for

A.D. 1925. such periods or occasions and upon such terms and conditions as the Corporation may think fit.

(2) Subject to the provisions of this Order the Corporation may let part of the entertainment buildings for the sale of refreshments (other than excisable liquor) for such periods and upon such terms and conditions as the Corporation may think fit provided that any such letting shall be by tender and the Corporation shall secure the best rent reasonably obtainable.

(3) Any moneys received by the Corporation in connection with the execution of the powers of this section shall be carried to the credit of the revenues of the entertainment buildings in the city accounts.

Deficiencies in entertainments revenue to be made good out of city rate.

8. The expenses incurred by the Corporation in maintaining and managing the entertainment buildings together with the interest and sinking fund in respect of moneys borrowed for the purposes thereof shall be paid out of the revenues of the entertainment buildings and in any year when such revenues shall be insufficient for the purpose the deficiency may be made good out of the city rate to an amount not exceeding one halfpenny in the pound of rateable value and shall be deemed expenditure under the second head of the estimate made up in terms of section 39 (Annual expenditure to be estimated by town council) of the Act of 1891 and the proportion of such rate corresponding thereto shall be chargeable against and payable by the occupiers of lands and heritages within the city.

Seabeach bathing station transferred from common good to public parks department.

9.—(1) As on the first day of June one thousand nine hundred and twenty-five the seabeach bathing station and all equipment and furnishings thereof and all rights and liabilities attaching thereto shall by virtue of this section stand transferred from the common good of the city to the public parks department of the city and may thereafter be maintained managed improved and extended by the Corporation as part of that department.

(2) The Corporation shall out of moneys to be borrowed under the authority of this Order for the purposes of the seabeach bathing station pay to the account of the common good of the city the amount appearing in the city accounts for the year ended the

thirty-first day of May one thousand nine hundred and twenty-five as the total cost of the said bathing station less the sinking fund provided in respect thereof to that date and the said amount shall be applied forthwith in repayment of moneys borrowed on the security of the common good.

(3) The annual expenditure required for maintaining and managing the seabeach bathing station and public baths and for the payment of interest and sinking fund in respect of moneys borrowed for the purposes thereof shall so far as not met by the revenue thereof be deemed expenditure under the second head of the estimate made up in terms of section 39 (Annual expenditure to be estimated by town council) of the Act of 1891 and shall be included in the city rate and the proportion of such rate corresponding thereto shall be chargeable against and payable by the occupiers of lands and heritages within the city.

Use of swimming baths in winter.

10. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes.

Use of swimming baths for exhibitions and entertainments.

11. The Corporation may close to the public and may reserve the exclusive use of any swimming bath at the seabeach bathing station or any public baths provided by them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises regattas or for any other entertainment or exhibition or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath such sums for the exclusive use of such bath or for admission of persons thereto as they may think fit.

Byelaws as to family and mixed bathing.

12.—(1) The power of the Corporation to make byelaws for the use of the public baths shall extend to enable them to permit any swimming bath to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations

A.D. 1925.

as shall be prescribed in such byelaws provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males who have attained the age of eight years and females respectively and proper costumes worn.

(2) The provisions of section 455 and sections 475 to 483 inclusive of the Act of 1862 shall apply in reference to such byelaws and the Corporation may accordingly exercise all the powers conferred upon them by the said sections in reference to the making confirmation and enforcement of such byelaws.

Use of part of links as fair ground.

13. The Corporation may level improve and lay out as a fair ground part of the links shown on the deposited plan not exceeding two and a half acres in extent and lying immediately to the west of the beach esplanade and to the south-east of the continuation of Wellington Street and subject to the provisions of this Order the Corporation may maintain and manage and use the said part of the links (hereinafter referred to as "the fair ground") for the holding of fairs shows and public sports and meetings.

Allotment of sites for stalls and tolls and charges for stalls &c.

14. The Corporation may appoint the days and times when the fair gound may be used for the holding of a fair show public sports or meeting and may allot the pitches or sites to be used for that purpose and may permit any person subject to such charges and upon such terms and conditions as the Corporation think fit to occupy any pitch or site for the erection of tents booths stands stalls or other temporary buildings for providing entertainments exhibitions and amusements and for the sale of refreshments.

Temporary enclosure of fair ground for shows.

15. The Corporation may temporarily enclose all or any part of the fair ground for the holding of a show or exhibition by any recognised agricultural horticultural or trade society or for any athletic or sporting contest and may make a charge or permit a charge to be made for admission to any such enclosure Provided that the fair ground shall not be enclosed for more than seven days in succession nor for more than twenty-one days in any year.

Byelaws for regulation of fair ground.

16. The powers of the Corporation under the Public Parks (Scotland) Act 1878 and the Order of 1907

for the making of byelaws for the regulation of the links shall extend to and include the making of byelaws for the following purposes in relation to the holding of any fair show public sports or meeting at the fair ground (that is to say):—

(1) For the preservation of order and good conduct among persons frequenting the fair ground:

(2) For securing public health and decency and the safety of persons resorting to the fair ground:

(3) For regulating the erection or placing on the fair ground of any booths tents sheds stands and stalls (whether fixed or moveable) or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals persons or mechanical power:

(4) For securing protection against fire.

Penalty for attempting to evade payment of tolls and charges for use of fair ground.

17. If any person liable to pay any stallage rent toll or charge to the Corporation in respect of the fair ground shall give an incorrect account of the same or make any false statement in relation thereto or refuse or neglect to give a correct account thereof with a view to evade or attempt to evade the payment of such stallage rent toll or charge or any part thereof every such person shall be liable to a penalty not exceeding forty shillings and to pay the amount of the stallage rent toll or charge so evaded or attempted to be evaded.

Power to take possession of stalls &c. for non-payment of charges.

18. If any person shall not after any stallage rent toll or charge has become due from and payable by him to the Corporation in respect of any building stall shed yard enclosure site space of ground or other convenience or accommodation in the fair ground and after demand has subsequently been made therefor pay the same forthwith the Corporation may enter upon and take possession of such building stall shed yard enclosure site space of ground or other convenience or accommodation and relet the same without prejudice to any other remedy for the recovery of such stallage rent toll or charge.

Forfeiture of articles

19. Every article brought to and left in the fair ground after the hour of closing on any day (except such

A.D. 1925.

left in fair ground.

as may be left in charge of the superintendent or inspector of the fair ground) may be taken possession of by the superintendent or inspector In the case of any non-perishable article so left if it be not claimed within fourteen days the Corporation may proceed to sell the same and in that case they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent toll or charge due in respect thereof or from the owner thereof together with the expenses of detention and sale In the case of any article or commodity of a perishable nature so left if it be not claimed within twelve hours the Corporation may proceed to sell the same and in that case they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent toll or charge due in respect thereof or from the owner thereof together with the expenses of detention and sale Provided that the Corporation may if they think fit at the expiration of the periods respectively hereinbefore mentioned with respect to each class of goods destroy any goods of that class so left instead of selling the same and in the case of any article or commodity of a perishable nature the cost of destruction may be recovered by the Corporation from the owner in a summary manner If in any such case as hereinbefore mentioned no demand shall be made by an owner within one month of a sale for the return of any surplus arising from a sale the proceeds of such sale shall be forfeited to the Corporation.

New road at Bridge of Don vested in Corporation as part of esplanade.

20. Notwithstanding anything contained in section 33 (Vesting of new street or road) of the Order of 1922 the new street or road authorised by section 32 of that Order commencing at King Street and terminating on the links by a junction with the esplanade shall as from the first day of June one thousand nine hundred and twenty-five cease to be vested in the Corporation to the same extent and effect as the other roads in the city and shall be vested in and thereafter maintained by the Corporation as part of the esplanade subject to the powers contained in the Public Parks (Scotland) Act 1878 and the Order of 1907 for the maintenance and improvement of the esplanade and the making of bye-laws for regulating the user thereof for riding and driving and for preserving good order.

A.D. 1925.

21. The expense of maintaining and repairing the esplanade from the Bridge of Don to Footdee at the southern end of York Street and the interest and sinking fund instalments payable in respect thereof including the road vested in the Corporation by this Order as part of the esplanade shall as from the first day of June one thousand nine hundred and twenty-five be charged in the city accounts under the second head of the estimate of the city rate.

Expense of making and maintaining esplanade to be charged under second head of estimate of city rate.

22. The Corporation may from time to time independently of any other borrowing power borrow at interest on the security of the city rate for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues and the city rate under the heads of the estimate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods from the date or dates of borrowing (each of which is in this Order referred to as "the prescribed period") mentioned in the fourth column thereof (namely) :—

Further borrowing powers.

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
	£		
For the construction of entertainment buildings.	50,000	The revenues from the entertainment buildings seabeach bathing station links and seashore and the city rate under the second head of the estimate.	30 years.
For the transfer and improvement of the seabeach bathing station.	20,000		25 years.
For the provision of public baths and washhouses.	100,000	The revenues from the public baths and washhouses and the city rate under the second head of the estimate.	30 years.

A.D. 1925.

1. Purpose.	2. Amount.	3. Charge.	4. Period for Repayment.
	£		
For repaving and recausewaying existing streets.	20,000	The city rate under the first head of the estimate.	15 years.
For the widening of existing streets.	55,000	The city rate under the sixth head of the estimate.	50 years.
For the improvement of existing streets.	25,000		15 years.
For forming and laying-out new streets.	150,000		50 years.
Paying the costs charges and expenses of this Order.	The sum requisite.	The city rate -	5 years from the passing of the Act confirming this Order.

Repayment of moneys borrowed.

23. The Corporation shall make provision for the repayment of the moneys borrowed under this Order within the prescribed periods 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.

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

24. 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 exerciseable 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.

Power to re-borrow.

25.—(1) The Corporation shall have power—

(*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.

Application of moneys borrowed.

26. 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.

Burgh Police (Scotland) Act 1903 to cease to apply to supplementary valuation.

27. So much of section 16 (Adoption of sections 45 and 60 of Burgh Police (Scotland) Act 1903) of the Order of 1911 and the Third Schedule to the said Order as provides for the adoption of section 60 of the Burgh Police (Scotland) Act 1903 and the application thereof to the city is hereby repealed as from the first day of January one thousand nine hundred and twenty-six and on and after that day the following provisions with

A.D. 1925. respect to the valuation of lands and heritages within the city shall apply and have effect (that is to say):—

(1) The Corporation acting under the Lands Valuation Acts in addition to the ordinary valuation roll for the city made up under the said Acts as at the fifteenth day of August in each year shall between the first day of January and the fifteenth day of March in each year cause to be made up by the assessor for the city under the said Acts a supplementary valuation roll showing for the year or the portion of the year to Whitsunday then next in the form prescribed for the said ordinary valuation roll the rent or value of all lands and heritages within the city:—

(*a*) which were in existence prior to the term of Whitsunday immediately preceding and which owing to error were not included in or were omitted from the said ordinary valuation roll last made up;

(*b*) which have come into existence after the term of Whitsunday immediately preceding and which were not included in the said ordinary valuation roll;

(*c*) which were included but entered as unoccupied or empty in the said ordinary valuation roll and which have become occupied after the term of Whitsunday immediately preceding;

(*d*) which were included and entered as occupied in the said ordinary valuation roll and for which one or more tenants jointly or severally pay or are liable to pay to the owner of such lands and heritages as the rent or value thereof for or in respect of the year to Whitsunday then next a sum greater than the amount entered as the rent or value thereof in the said ordinary valuation roll Provided that in any such case the rent or value to be entered in the supplementary valuation roll shall be the difference between the amount entered in the said ordinary valuation roll and the rent or value

of such lands and heritages payable as aforesaid by one or more tenants for or in respect of the said year:

(2) The provisions of the Lands Valuation Acts including the provisions as to notices appeals and courts for hearing the same shall mutatis mutandis be applicable to such supplementary valuation roll as if it were therein referred to;

(3) For the purposes of hearing and disposing of appeals against valuations entered in the supplementary valuation roll the burgh valuation courts of appeal as established under the Lands Valuation Acts shall be held between the fifteenth day of March and the fifteenth day of April in each year:

(4) The Corporation and any other assessing authorities in the city imposing any assessment upon the basis of the said ordinary valuation roll may impose in respect of all lands and heritages entered in such supplementary valuation roll supplementary assessments which shall be made so far as possible in the same manner under the same conditions and with the same powers of recovery as are applicable to the corresponding assessments imposed upon the basis of the said ordinary valuation roll Provided that no such lands and heritages shall be liable to be assessed more than once in any one year for the same rate or assessment in respect of the same rent or value:

(5) All expenses incurred by the Corporation in giving effect to the provisions of this section shall be defrayed in the same manner as the costs and expenses of and in connection with the said ordinary valuation roll.

Date for issuing notices under Lands Valuation (Scotland) Act 1854.

28. In its application to the city section 5 (Notice to be given to persons whose property is valued) of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words—

(1) "fifteenth day of June" were substituted for the words "fifteenth day of July" occurring therein;

A.D. 1925.

(2) "third day of September" were substituted for the words "eighth day of September" occurring therein;

(3) "at" were inserted between the words "the same" and "or sending" occurring therein;

(4) "to his usual place of business or to" were substituted for the word "at" first occurring therein; and

(5) "the place of business or" were inserted between the words "and where" and "the residence" occurring therein;

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

"On or before the twenty-fifth day of "August, and not earlier than the fifteenth "day of June in each year, the assessor shall "transmit or cause to be transmitted to each "person included in his valuation, whether as "proprietor or tenant or occupier, a copy of "every entry in such valuation roll wherein such "person shall be set forth either as proprietor "or tenant or occupier, along with a notice to "such person that if he considers himself aggrieved "by such valuation he may appeal against the "same to the commissioners of supply of the "county or to the magistrates of the burgh as "the case may be, in terms of this Act, or may "obtain redress without the necessity of such "appeal by satisfying the assessor on or before "the third day of September in each year, that "he has well-founded ground of complaint, and "such copy and notice may be served by handing "the same to such person personally or leaving "the same at or sending it through the post "office to his usual place of business or to his "residence or usual place of abode; and where "the place of business or the residence or place "of abode of such person is unknown it shall be "sufficient if service be made as aforesaid upon "his factor or agent or be addressed to him at "the office of the clerk of supply of the county

" or town clerk of the burgh as the case may be: Provided always that where, in making up his valuation as aforesaid, the assessor is merely to repeat an entry which occurred in the valuation of the immediately preceding year, it shall not be necessary for the assessor to transmit such copy and notice as aforesaid to the person or persons specified in such merely repeated entry."

Dates for land valuation appeal courts.

29.—(1) In its application to the city section 8 (Courts of appeal) of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words—

(*a*) " nineteenth but not earlier than the fifteenth day of September " were substituted for the words " fifteenth but not earlier than the tenth day of September " occurring therein;

(*b*) " by such assessors to each appellant as hereinafter in this Act provided " were inserted between the words " be given " and " which court " occurring therein; and

(*c*) " fifteenth day of October " were substituted for the words " thirtieth day of September " occurring therein;

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

" The commissioners of supply of every county and the magistrates of every burgh shall annually on or before the nineteenth but not earlier than the fifteenth day of September in each year hold a court for hearing appeals against valuations made by such assessors as aforesaid under this Act, of which ten days' notice shall be given by such assessors to each appellant as hereinafter in this Act provided, which court may be adjourned from time to time; and at such court and at latest on or before the fifteenth day of October in each year, all such appeals and complaints under this Act shall be disposed of; and such courts or adjourned courts of appeal shall be held in such and as many places within such

A.D. 1925.

" county and burgh respectively as such com-
" missioners and magistrates respectively shall
" appoint; and the deliverances of such com-
" missioners and magistrates respectively upon
" such appeals and complaints shall be final and
" conclusive and not subject to review."

(2) In its application to the city section 7 (Time for lodging appeals against assessor's entries in valuation roll) of the Valuation of Lands (Scotland) Amendment Act 1867 shall be read and have effect as if the words—

(*a*) " or complaints " and " or complaint " occurring therein were deleted;

(*b*) " third day of September " were substituted for the words " tenth day of September " occurring therein; and

(*c*) " fifteenth day of October " were substituted for the words " thirtieth day of September " occurring therein;

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

" All appeals against any entry in the
" valuation roll made up in terms of the said
" recited Acts and of this Act either by the
" assessors appointed by the commissioners of
" supply of any county or by the magistrates
" of any burgh or by the assessor of railways
" and canals shall except as after provided be
" lodged not later than the third day of September
" in each year, and every such appeal shall
" except as aforesaid be heard and determined
" not later than the fifteenth day of October in
" each year."

Lodging of appeals.

30. In its application to the city section 9 (Persons entitled to appeal) of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if—

(1) the words " not later than the third day of
" September lodge an appeal in writing with
" the assessor " were substituted for the words
" six days at least before such appeal is heard
" intimate in writing to the assessor that he

" is to maintain such appeal " occurring therein; and

(2) the following provisoes were added to that section :—

" and provided further—

" (*a*) that where an appellant at the hearing " of an appeal refers to or leads evidence in " respect of premises, other than the premises " referred to in such appeal, and has not " at least two days before the date on which " the appeal is heard furnished in writing " to the assessor the address of such premises, " the assessor may, at the close of the case " for the appellant, make an application to " court for a continuation of such hearing, " which application the court shall grant " if and so far as this can be done so as to " admit of the appeal being heard and " determined within the time prescribed by " this Act for the holding of such courts; and

" (*b*) that ten days at least before the " date fixed for the hearing of the appeal " the assessor shall by notice in writing " intimate to the appellant such date which " notice shall be accompanied by a copy " of the immediately preceding provision of " this section with regard to other premises " proposed to be referred to at such hearing,"

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

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

A.D. 1925.

" amount stated by the assessor: and provided " further—

" (*a*) that where an appellant at the hearing " of an appeal refers to or leads evidence " in respect of premises, other than the pre- " mises referred to in such appeal, and has not " at least two days before the date on which " the appeal is heard, furnished in writing " to the assessor the address of such premises, " the assessor may, at the close of the case " for the appellant, make an application to the " court for a continuation of such hearing, " which application the court shall grant " if and so far as this can be done so as to " admit of the appeal being heard and " determined within the time prescribed by " this Act for the holding of such courts; and

" (*b*) that ten days at least before the " date fixed for the hearing of the appeal " the assessor shall by notice in writing " intimate to the appellant such date which " notice shall be accompanied by a copy " of the immediately preceding provision of " this section with regard to other premises " proposed to be referred to at such hearing."

Penalty for making false returns.

31. Any factor agent or person acting for or in name or on behalf of a proprietor or tenant or occupier of lands and heritages who shall knowingly or wilfully present or cause to be presented to the assessor for the city under the Lands Valuation Acts a false statement of the yearly rent or value of any such lands and heritages within the city belonging to or occupied by the proprietor or tenant or occupier for or in name or on behalf of whom he acts shall be liable to the penalty imposed by the said Acts upon proprietors tenants or occupiers of lands and heritages presenting or causing to be presented false statements to such assessor and such penalty shall be recovered and applied in the way and manner provided by the said Acts.

Saving for assessor of railways and canals.

32. Nothing in this Order contained shall extend or apply to the assessor of railways and canals under the Lands Valuation Acts or to the valuation roll made up by him under those Acts.

33. The Corporation may from time to time make such byelaws as they think fit for the following purposes viz. :—

Byelaws for cleansing common stairs &c. by tenants.

For the cleansing of common stairs sinks lobbies passages water-closets and areas by the tenants in rotation:

Provided that such byelaws shall before coming into operation be confirmed by the Scottish Board of Health and may be enforced by penalties imposed by any such byelaws not exceeding forty shillings for each offence and provided further that such byelaws shall be so framed as to allow the magistrate before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid or to remit the whole penalty Section 38 (Penalty for not keeping common stairs and passages clean) of the Aberdeen Police and Waterworks Amendment Act 1867 is hereby repealed.

Increase of penalty for damaging Corporation gas and electric lamps &c.

34. Section 20 (Satisfaction for accidentally damaging pipes) of the Gasworks Clauses Act 1847 and section 264 (Penalty for carelessly damaging gas pipes) of the Act of 1862 in so far as they apply to the gas and electric lamps and standards of the Corporation shall be amended by the substitution of the words "fifteen pounds" for "five pounds" occurring in those sections as the maximum penalty recoverable by way of satisfaction to the Corporation for damage done by any person.

Recovery of fire brigade expenses for attending fires in vehicles.

35. Section 156 of the Act of 1862 whereby a contribution is required from the proprietor and occupier of a building within the city in which a fire breaks out towards the fire brigade expenses in attending such fire shall extend and apply to require a like contribution from the owner of every vehicle attended by the fire brigade on catching fire in any street within the city and sections 155 and 158 of the Act of 1862 which relate to the ascertainment of the amount of such expenses and the recovery thereof subject to appeal shall with the necessary modifications have effect with respect to contributions under this section.

Filling up casual vacancies in Corporation.

36. Notwithstanding anything in section 36 (Casual vacancies) of the Town Councils (Scotland) Act 1900 contained in case of any vacancy occurring in the Corporation from any cause (other than retirement in

A.D. 1925.

ordinary rotation at an annual election) between the eighteenth day of October in any year being the last day for the issue of the notice referred to in section 42 (Notice of vacancies and dates of nomination and election) of the Town Councils (Scotland) Act 1900 and the first day of October in the following year the vacancy so occurring shall subject to the provisions of this Order be filled up by a special election by the electors of the ward in respect of which such vacancy has occurred and the following provisions shall apply and have effect (that is to say) :—

(1) The election shall be conducted and the costs and charges thereof defrayed in the same manner as in the case of an annual election :

(2) The town clerk as soon as may be after the occurrence of the vacancy shall subject to the approval of the Corporation fix the date of the election and the dates for the issuing of all necessary notices and for lodging and withdrawing nomination papers so that the intervals between such respective dates shall be the same as in the case of an annual election and such notices and papers shall be in or as nearly as may be in the forms respectively used in the case of an annual election :

(3) The town clerk shall by notice to be affixed to the outside wall of the town house in the city and also to be advertised by publication at least twice in some newspaper or newspapers published in the city intimate (1) the cause of the vacancy (2) the ward in which the vacancy falls to be filled up (3) the date and place for lodging and withdrawing nomination papers (4) the date of the election in the event of there being a poll and (5) the polling place :

(4) If more than one candidate is nominated for the vacancy the town clerk shall by notice to be affixed and published as aforesaid give the names of all persons so nominated and not withdrawn :

(5) The person elected at the election shall hold the office of town councillor during the period for which the person vacating such office might lawfully have held the same.

37. In case of any such vacancy occurring within three months immediately preceding an annual election the Corporation may resolve that such vacancy shall not be filled up until such annual election.

Vacancy within three months of annual election.

38. The following provisions shall apply and have effect with respect to the appointment duties and tenure of office of the town clerk of the city in lieu of the provisions (so far as they are applicable to the city) contained in sections 78 to 83 inclusive of the Town Councils (Scotland) Act 1900 :—

Appointment and duties of town clerk.

(1) Every person appointed to the office of town clerk shall be paid for his personal services an adequate salary in lieu of all fees and emoluments whatsoever pertaining to the office or claimable in respect of the official duties which the town clerk is as such required to perform and such salary may from time to time be raised or reduced by and at the pleasure of the Corporation but so that the salary be in no case reduced below an adequate amount;

(2) The town clerk shall act as law agent parliamentary solicitor clerk and secretary of the town council in regard to all or such parts of the business of the town council and to all or any one or more of the municipal or other trusts corporations boards and commissions now existing or which may be hereafter created in connection with or under the management or control of the Corporation as they may think proper from time to time to entrust to him and all fees and emoluments payable to him as such law agent parliamentary solicitor clerk or secretary or payable in respect of services of any town clerks depute or assistant town clerks and other persons employed in the department of the town clerk shall be charged collected accounted for and applied as hereinafter provided;

(3) The Corporation may appoint one or more persons to act as town clerk depute or deputes in the execution of the powers and duties of the office of town clerk The salaries to be paid to the town clerk depute or deputes shall be fixed by the Corporation and the salaries to be paid

A.D. 1925.

to the clerks and other persons employed in the said department shall be fixed by the town clerk with the approval of the Corporation:

(4) The town clerk shall have the management direction and control of the town clerk's department and the staff thereof and power from time to time to suspend and subject to the approval of the Corporation to appoint and dismiss the persons employed in the said department:

(5) A common fund for salaries shall be maintained and the accounts thereof shall be kept in connection with the municipal accounts of the city The city chamberlain shall be treasurer of the fund and all fees and emoluments pertaining to the office of town clerk and all the fees and emoluments payable in respect of services rendered by the town clerk's department and also all costs charges and disbursements recoverable from third parties and recovered (the right of recovering such costs charges and disbursements in proceedings between the Corporation and third parties being in no respect prejudiced by this Order) shall be collected by the town clerk and paid by him to the city chamberlain and placed to the credit of the said fund:

(6) The city chamberlain shall use and apply the moneys of the said fund in paying the salaries of the town clerk the town clerk depute or deputes and the other persons employed in the said department and any retiring allowance granted or which may be granted to them or any of them and all disbursements and payments made or incurred in connection with and for the proper equipment of the department and if the same shall be insufficient the common good and funds and property of the Corporation shall be liable for the deficiency and such deficiency shall be placed to the debit of the Corporation in their proper municipal account but if there be any surplus of the said fund in any year after satisfying the said purposes such surplus shall be placed to the credit of the said municipal account of the city:

(7) Every person who shall be appointed to the office of town clerk shall hold office during the pleasure of the Corporation or during such period as may be fixed in any agreement to be made between the Corporation and such person and upon such terms and conditions as may be agreed on Provided that the town clerk shall not be removed from office except by a vote of not less than two-thirds of those members of the Corporation who shall be present at a meeting of the Corporation specially called for the purpose by a circular addressed to the members of the Corporation not less than seven nor more than fourteen days before such meeting:

(8) The present town clerk James Watt Davidson shall continue in the office of town clerk under the terms and conditions of his appointment by the Corporation and nothing in this section contained shall in any way extend or prejudicially affect or impair the rights and interests of the Corporation on the one hand or of the said James Watt Davidson on the other hand in regard to the said appointment.

Crown rights.

39. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Costs of Order.

40. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of moneys to be borrowed for that purpose under this Order or out of the public rates or municipal revenues of the city in such proportions as the Corporation may determine.

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