CHAPTER cxxxii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Corporation. A.D. 1930.

[1st August 1930.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict. c. 47. 16 & 17 Geo. 5. c. 18.

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

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

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

[*Price* 2*s.* 6*d. Net.*]

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SCHEDULE.

ABERDEEN CORPORATION.

Provisional Order to authorise the Corporation of the city and royal burgh of Aberdeen to make street improvements new tramways and an extension of their electricity works railway and to confer further powers of making town planning schemes for the city of licensing omnibuses and regulating street traffic and of borrowing money and to make further provision with respect to the local government health and finance of the city and for other purposes.

WHEREAS the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter referred to as "the Corporation" and "the city" respectively) are vested with the municipal and police administration of the city and own and work tramways and omnibuses and generate and supply electricity:

And whereas it is expedient that the Corporation should be empowered to make the street improvements hereinafter described and to acquire land compulsorily for that purpose and for the purpose of laying out and redeveloping the areas adjoining the said street improvements:

And whereas the said street improvements include a new street which will provide a new and convenient thoroughfare from the central parts of the city to the seabeach and it is expedient to authorise the Corporation to construct tramways thereon in substitution for existing tramways by which tramway communication is now provided across the Queen's Links to the esplanade and seabeach:

And whereas the esplanade extends from the river Don to Footdee adjoining the river Dee for a distance of more than two miles and the Corporation in the exercise of the powers conferred on them by the Aberdeen Corporation Orders 1907 and 1925 for the management of

the esplanade and links adjoining the seabeach have made regulations restricting the classes of vehicles which may pass along the esplanade and limiting the rate of speed at which vehicles may move thereon :

And whereas it is expedient that the Corporation should be authorised to provide and run on the esplanade vehicles specially designed and adapted for the conveyance of passengers at a rate of speed consistent with the safety of foot passengers on the esplanade :

And whereas it is expedient to make further provision with respect to the licensing of omnibuses with respect to stopping places and stands in the streets for omnibuses and other vehicles and with respect to the regulation of street traffic :

And whereas the Corporation were authorised by the Aberdeen Corporation (Electricity Works Railway) Order 1921 to make a railway along and on the level of certain streets in the city from the Shore Road siding on the Caledonian Railway to the electricity works of the Corporation at Dee Village Road and the said railway has been constructed and is used for the conveyance of fuel and stores to the said electricity works :

And whereas it is expedient that the Corporation should be authorised to extend the said railway and to acquire further lands adjoining the said electricity works in order to provide additional accommodation for the storage of coal and other materials for the purposes of the electricity undertaking of the Corporation :

And whereas the Corporation are the town planning authority for the city for the purpose of the Town Planning (Scotland) Act 1925 and in exercise of their powers under subsection (1) of section 2 of that Act the Corporation have concurred with the local authorities of districts adjoining the city in preparing a town planning scheme for lands in the city and in the adjoining districts and it is expedient that the Corporation should be authorised to make town planning schemes for all parts of the city notwithstanding that the lands therein may have been developed :

And whereas it is expedient in order to preserve and improve the amenity of the streets and open spaces in the city to enact the provisions contained in this

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Order with respect to advertisements hoardings and unsightly vacant building sites and derelict buildings:

And whereas it is expedient to confer on the Corporation further powers of making regulations for protection against fire in buildings used for public entertainments and as places of public resort:

And whereas it is expedient to amend and enlarge the powers of the Corporation of making building byelaws and of regulating the construction of buildings in the city:

And whereas it expedient to make further provision with respect to rates and assessments for the purposes hereinafter specified:

And whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purpose of the several works hereinafter described and for meeting capital expenditure on other matters under the administration of the Corporation:

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

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For the construction of the street improvements Works Nos. 1 to 7 authorised by this Order - -	77,000
For the construction of the tramways authorised by this Order and removal of existing tramways -	27,000
For the electrical equipment of tramways	6,000
For the extension of the electricity works railway authorised by this Order -	3,000
For the purchase of lands - - -	200,200
For works of widening streets and bridges - - - - - -	128,000
For improvement of road surfaces of streets and bridges - - -	10,000
For causewaying and repaving streets -	15,000
For omnibus garages - - - -	20,000
For omnibuses - - - - -	40,000
For the transfer of city halls - -	38,000
For schemes for the transfer of city churches - - - - -	25,000

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 by the Aberdeen Corporation Act 1891 the Corporation were authorised to establish and form a loans fund for the payment of all the interest and dividends payable on all money borrowed by the Corporation and for the purpose of all sinking funds established under the City Acts as defined in the said Act but the Corporation have not exercised the powers granted by the said Act for the establishment of a loans fund or for the issue of Corporation stock and it is expedient to make further provision for the regulation of the loans fund to be established by the Corporation under the authority of the said Act:

And whereas plans and sections showing the lines and levels of the proposed street improvements tramways and railway and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which may be taken or used for the purposes or under the powers of this Order were duly deposited with the sheriff clerk of the county of Aberdeen:

And whereas it is expedient that the further provisions in this Order contained should receive effect:

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

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

PART I.

PRELIMINARY.

Short title and commencement.

1.—(1) This Order may be cited as the Aberdeen Corporation Order 1930 and this Order and the Aberdeen City Acts 1862 to 1928 may be cited together as the Aberdeen City Acts 1862 to 1930.

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(2) This Order and the Aberdeen Corporation Tramways Acts 1872 to 1922 may be cited together as the Aberdeen Corporation Tramways Acts 1872 to 1930.

(3) This Order shall except in so far as otherwise expressly provided come into operation on the date of the passing of the Act confirming this Order which date is hereinafter referred to as "the commencement of this Order."

(4) In the event of a general Act relating to road traffic being passed in the session 1930 the commencement of this Order in respect of sections 33 to 41 shall be deemed to be immediately before the passing of such general Act.

Division of Order into Parts.

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

Part I.—Preliminary.
Part II.—Street improvements.
Part III.—Tramways and omnibuses.
Part IV.—Licensing of vehicles and street traffic regulations.
Part V.—Electricity works railway.
Part VI.—Town planning.
Part VII.—Buildings drains and hoardings.
Part VIII.—Finance and rating.
Part IX.—Miscellaneous.

Interpretation.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings 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 Act of 1862" means the Aberdeen Police and Waterworks Act 1862;

"The Act of 1881" means the Aberdeen Corporation Act 1881;

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

"The Act of 1900" means the Aberdeen Police and Improvement Act 1900;

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

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

"The Order of 1915" means the Aberdeen Corporation Order 1915;

"The City Acts" means the Aberdeen City Acts 1862 to 1928;

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

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

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

"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;

"The city rate" means the city rate authorised by the Act of 1891;

"The town clerk" means the town clerk of the city;

"The city chamberlain" means the city chamberlain of the city;

"The loans fund" means the loans fund authorised by section 59 (Establishment of loans fund) of the Act of 1891;

"Building" means any structure or erection of what kind or nature soever whether temporary or permanent or any part thereof (excluding hoardings for advertisements);

"Daily penalty" means a penalty for every day on which any offence is continued after conviction.

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

Incorporation of Acts.

4. The following parts of Acts (so far as the same respectively are applicable for the purposes and are not

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inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order :—

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845);

Section 3 (Interpretation of terms) Part II (Construction of tramways) and Part III (General provisions) of the Tramways Act 1870.

PART II.

STREET IMPROVEMENTS.

Power to make street improvements.

5. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the street improvements hereinafter described with all proper works and conveniences connected therewith (that is to say) :—

Work No. 1 A widening and improvement of Broad Street on the south-west side thereof throughout its length from Union Street to Upperkirkgate;

Work No. 2 A widening and improvement of Upperkirkgate on the south side thereof from Gallowgate to St. Nicholas Street;

Work No. 3 A new street from Justice Street to the Queen's Links and the seabeach (including the construction of a bridge over the London and North Eastern Railway) to be formed by the widening and improvement of Albion Street and Bannermill Road and a prolongation thereof across the said links to the esplanade;

Work No. 4 An alteration of the levels of Hanover Lane;

Work No. 5 An alteration of the levels of Fish Street Lane;

Work No. 6 An alteration of the levels of Cross Street;

Work No. 7 An alteration of the levels of Bannermill Place.

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Notwithstanding anything contained in this Order or shown on the deposited plans the road forming part of Work No. 3 where constructed on the Queen's Links shall not exceed sixty feet in width and no building shall be erected along the frontage lines of the road and no fences or walls shall be erected separating the road from the links except such fences as may be necessary to prevent vehicles from being driven from the road on to the links.

Power to stop up courts &c.

6. The Corporation may in making the street improvements stop up and discontinue as public streets thoroughfares or public places the following streets lanes and courts to the extent shown on the deposited plans :—

In connection with Works Nos. 1 and 2 Guestrow Union Lane Stewart's Place Quaker's Court Duthie's Court Mitchell's Court Thornton Place Thornton Court Milner's Court Shepherd's Court Grant's Court and Barnett's Close but Barnett's Close shall not be stopped up unless and until the Corporation shall have provided in substitution therefor a new footway from Broad Street to Flourmill Lane; and

In connection with Work No. 3 Wales Street and Hanover Place.

And the site and soil thereof when stopped up and discontinued 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 :

Provided that no such street or portion of street court or place shall be stopped up unless the Corporation are owners in possession of all houses and lands having doorways or ways abutting thereon except so far as the owners lessees and occupiers of those houses and lands may otherwise agree :

Provided also that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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Power to make subsidiary works.

7.—(1) Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street improvements and for the purposes of this Order execute or do any of the following works or things (namely) :—

(*a*) Make junctions and communications with any existing streets intersected or interfered with by the street improvements or contiguous to them or any of them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of the street improvements or otherwise;

(*b*) Execute any works for the protection of any adjoining land or buildings;

(*c*) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

(*d*) Raise lower alter divert stop up or otherwise interfere with any tramway drain sewer channel or gas or water main or pipe or electric cable wire or apparatus within the said limits providing a proper substitute before interrupting the traffic on any such tramway or the flow of sewage in any drain sewer or channel or of any gas or water in any main or pipe or of electricity or of telegraphic or telephonic communication in any cable wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise lower alter divert stop up or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Corporation may form carriageways footways gardens and cellars.

8. The Corporation may in making the street improvements—

(*a*) cause such parts of the streets improved or made under the powers of this Order to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit;

(*b*) lay out enclose and maintain as gardens or open spaces any lands for the time being

belonging to them (including the site of any portion of an existing street or court stopped up under the powers of this Order) adjacent to the improved streets; and

(*c*) construct erect and provide on or under any lands acquired for the purpose of the street improvements such vaults cellars arches sewers drains conduits for pipes and wires and other works and conveniences as they may think proper.

Power to deviate in constructing street improvements.

9. In the construction of the street improvements the Corporation may deviate laterally to any extent not exceeding the limits of deviation defined on the deposited plans and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet.

For protection of Postmaster-General.

10. The Corporation shall in constructing the bridge forming part of Work No. 3 provide for the accommodation of telegraphic lines of the Postmaster-General a space ten inches wide and one foot six inches deep in one of the footways of the said bridge The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

Compulsory acquisition of lands for street improvements.

11. Subject to the provisions of this Order the Corporation may enter upon take and use for the purposes of this Order such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for or in connection with the construction of the street improvements and for the provision of space for the erection of buildings adjoining or near to the street improvements.

Period for compulsory purchase of lands.

12. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease upon the first day of October nineteen hundred and thirty-five.

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Extinction of private rights of way.

13. All private rights of way over any lands which the Corporation are authorised by this Order to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation:

Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Temporary stoppage of streets.

14.—(1) The Corporation during and for the purpose of the execution of the street improvements may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or from any such house.

Owners may be required to sell parts only of certain properties.

15. Whereas in the construction of the street improvements it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Sixth Schedule to this Order and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without

material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbiters or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order

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that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Compensation in case of recently altered buildings.

16. In settling any question of disputed purchase money or compensation payable under this Order by the Corporation the arbiter shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in

the lands created after the first day of November nineteen hundred and twenty-nine if in the opinion of such arbiter the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Order.

Benefits to be set off against compensation.

17. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Order of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any of the street improvements or arising through such adjoining lands becoming lands fronting on any new street in consequence of the construction of the street improvements shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to enter upon property for survey and valuation.

18. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings authorised by this Order to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Persons under disability may grant servitudes &c.

19. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and

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to such servitudes rights and privileges as aforesaid respectively.

Acquisition of lands by agreement.

20. In addition to the lands shown on the deposited plans and described in the deposited book of reference the Corporation may purchase by agreement in connection with and for the purposes of the street improvements any lands not exceeding in the whole five acres.

Underpinning of walls of houses.

21. And whereas in order to avoid in the execution and maintenance of the street improvements injury to the houses and buildings within one hundred feet of any of the street improvements it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade :

(4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that

such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

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Power to take down buildings and lay out lands.

22.—(1) The Corporation may take down the whole or any part of the buildings situated on any part of the lands and property acquired by them under the authority of this Part of this Order and sell and dispose of the materials thereof and may subject to the provisions of this Order as to the making and executing of the street improvements lay out the said lands and property in such way and manner as they may deem best and may sell or dispose of the ground or buildings or any part or portion thereof or grant leases feu dispositions contracts of ground annual or other deeds or conveyances of such ground or buildings or any part or portion thereof on such terms and subject to such conditions as they may determine and prescribe and generally they may deal with the lands houses and property acquired by them under this Order and any feu duties or ground annuals created by them as absolute proprietors thereof.

(2) Any rents feu duties or ground annuals payable to the Corporation from the lands and property acquired by them under this Order shall after defraying the expense of management maintenance and repair of such lands and property and any other charges incident thereto be carried to the credit of a city improvements account The proceeds of the sale of any such lands and property feu duties or ground annuals shall be carried to the credit of the same account and shall be applied in payment of the sums to be borrowed as hereinafter provided for defraying the cost of the street improvements.

Power to re-instate owners of property.

23. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Part of this Order or which may be in the neighbourhood of any of the street improvements with respect to the re-instatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Land thrown into streets to be public highway.

24. Any lands purchased or taken by the Corporation and laid out into any street shall thereafter form part of such street and be a public highway and shall after the completion thereof be and become vested in the Corporation to the same extent and effect as the other streets or roads within the city are now vested in them.

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For protection of London and North Eastern Railway Company.

25. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):—

(1) The Corporation shall not under the powers of this Order take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitudes in under over or upon the lands property and works of the company as may be required for constructing and maintaining (*a*) Work No. 3 specified in the section of this Order the marginal note of which is "Power to make street improvements" including the removal of the existing bridge belonging to the company and (*b*) Tramway No. 1 specified in the section of this Order the marginal note of which is "New tramways" by this Order authorised (both hereinafter in this section referred to as "the said work") The Corporation shall not without the previous consent in writing of the company enter upon or interfere with any lands property or works of the company further or otherwise than may be necessary for constructing and maintaining the said work 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) In constructing maintaining and using the said work the Corporation shall carry out the work so as not to injure or interfere with the use of the company's railway for railway traffic either during or after the construction of the said

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work or cause any interruption to the traffic on such railway :

(3) Before commencing the construction of the said work the Corporation shall submit to the company plans sections working drawings and specifications thereof (the said plans to provide for a bridge of a span sufficient to allow two lines of rails to be laid and worked under the same) so far as affecting the property of the company showing the lines and levels and the manner in which the said work is to be constructed for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval :

(4) The said work so far as affecting the said railway 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 or in the event of difference as the same shall have been settled by the arbiter to be appointed as hereinafter in this section provided at the sole risk and cost of the Corporation and under the supervision (if given) and to the reasonable satisfaction of the company and the said work shall be maintained repaired or renewed by the Corporation on the lines and levels shown on the said plans sections and working drawings and as described in the said specifications at their sole risk and cost and under the supervision (if given) and to the reasonable satisfaction of the company :

(5) If having regard to the proposed position of the said work when considered in relation to the position of the works of the company at any point where electric telegraphic telephonic or signalling apparatus belonging to or maintainable by the company is situated on over or under the said railway it is advisable in the opinion

of the company that such apparatus should be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works as certified by their engineer shall be borne by the Corporation:

(6) The Corporation shall in the construction alteration maintenance renewal or use of the said work provide suitable and convenient access or accesses to any railway or work or property of the company:

(7) No brackets or other apparatus shall be attached to any property of the company without the previous consent of the company:

(8) Any works which the Corporation may desire to have carried out in so far as they may affect or interfere with the safe running of the traffic on the railway of the company shall if the company so require be executed by the company at the reasonable expense of the Corporation but the company shall not be entitled to carry out any works at the expense of the Corporation unless the Corporation shall have previously approved of the plans and specifications thereof and of an estimate of cost If the company intend so to execute such works they shall give to the Corporation notice of their intention and shall commence execute and complete the said works with all reasonable dispatch Provided that unless the company give the said notice to the Corporation within twenty-one days after receiving from the Corporation the plans sections and specifications hereinbefore prescribed the Corporation may in accordance with such plans sections and specifications and under such supervision as aforesaid themselves proceed to execute the works:

(9) If the company shall hereafter require to widen or alter their railway where it will be crossed by the bridge carrying Albion Street over their railway the Corporation shall afford to the company all reasonable and proper facilities for doing so consistent with due provision being

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made for the continuance of the traffic across such bridge :

(10) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason of the execution alteration or failure of the said work or by reason of any act or omission of the Corporation or their contractors or of any person in the employ of either of them and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :

(11) The Corporation shall on demand pay to the company the reasonable expense incurred by the company of and in connection with the supervision by their engineer of the said work and of and in connection with the employment by the company during the execution alteration repair or renewal by the Corporation under this Order of any work affecting the company's railway or other work belonging to the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for preventing any interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them :

(12) On the taking up and removal by the Corporation under the sections of this Order whereof the marginal notes are "Existing tramways from Justice Street to seabeach to be abandoned and Queen's Links restored" and "Power to abandon tramways" of any rails posts poles wires cables or other apparatus or road material situate on any bridge or bridge approaches maintainable by the company the Corporation shall restore the surface of the bridge and approaches to the reasonable satisfaction of the company :

(13) Nothing in this Order shall impose any obligation upon or enlarge any existing obligation of

the company to maintain strengthen adapt alter or reconstruct any road maintainable by them or any bridge with the immediate approaches and all other necessary works connected therewith maintainable by them :

(14) Any question or difference between the Corporation and the company arising under this section (not herein left to the decision of the engineer of the company) shall be referred to and determined by an arbiter to be appointed failing agreement by the sheriff.

PART III.

TRAMWAYS AND OMNIBUSES.

New tramways.

26. Subject to the provisions of this Order and of Parts II and III of the Tramways Act 1870 the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all necessary and proper rails chairs plates channels junctions sidings cross-overs passing-places points turntables turnouts and conveniences connected therewith Provided that nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

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

Tramway No. 1 (double line) 4 furlongs 4·3 chains or thereby in length wholly in the city and city parish of Aberdeen commencing in Justice Street by a junction with the existing tramways of the Corporation at the commencement of the new street (Work No. 3) authorised by this Order passing thence along the said new street and terminating by a junction with the existing tramways of the Corporation on the Queen's Links near the seabeach bathing station at a

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point 4·77 chains or thereby southwards from the termination of the last-mentioned existing tramways;

Tramway No. 2 (double line) 8·5 chains or thereby in length wholly in the city and city parish of Aberdeen commencing by a junction with Tramway No. 1 hereinbefore described at a point in the new street (Work No. 3) authorised by this Order 3·6 chains or thereby south-westwards from the north-west corner of the seabeach bathing station and terminating on the Queen's Links at a point 7·63 chains or thereby southwards from the said north-west corner.

Tramways to form part of tramway undertaking.

27. The tramways shall for all purposes form part of the tramway undertaking of the Corporation and the Corporation may subject to the provisions of the Aberdeen Corporation Tramways Acts 1872 to 1922 work the traffic thereon and levy and take tolls fares and charges for the use thereof.

Tramways part of city undertaking.

28. The tramways shall be and be deemed to be and be maintained as a city undertaking within the meaning of the Act of 1891 and this Order shall be and be deemed to be a City Act within the meaning of the Act of 1891.

Application of provisions of existing Acts to tramways.

29.—(1) The sections of the Aberdeen Corporation Tramways Acts 1872 to 1922 mentioned in the First Schedule to this Order shall so far as not varied by or inconsistent with the provisions of this Order extend and apply to the tramways.

(2) In the exercise of the powers of section 23 (Power to construct subsidiary works for working tramways by mechanical power) of the Aberdeen Corporation Tramways Act 1900 for the purposes of this Order no pole post or other apparatus shall be erected in the carriageway of any road without the consent of the Minister of Transport.

(3) Subsection (*b*) (4) of section 16 (For protection of Postmaster-General) of the Aberdeen Corporation Tramways Order 1903 shall be read and have effect as if the words "generated or used by or supplied to" were inserted in that subsection in substitution for the words "generated by."

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Existing tramways from Justice Street to seabeach to be abandoned and Queen's Links restored.

30. On the completion and opening for traffic of Tramway No. 1 authorised by this Order the Corporation shall discontinue the working of the existing tramway laid in Justice Street Park Street Constitution Street and across the Queen's Links between the commencement and termination of the said Tramway No. 1 and shall abandon the said existing tramway and take up and remove the rails thereof and the subsidiary works and appliances connected therewith and shall relay the carriageway of the said streets and shall restore the portion of the Queen's Links occupied by the existing tramway by the cultivation of grass and herbage so as to make it available together with the other parts of the Queen's Links for the recreation of the public.

Corporation may run vehicles for conveyance of passengers on esplanade.

31.—(1) The Corporation may provide and maintain (but shall not manufacture) and may run along the esplanade from the Bridge of Don to Footdee vehicles specially designed so as to be suitable for the conveyance of passengers along the esplanade without endangering foot passengers on the esplanade or persons crossing the esplanade between the seabeach and the links but such vehicles shall not be used for the conveyance of passengers in the city elsewhere than on the esplanade.

(2) Notwithstanding anything contained in the City Acts or the Public Parks (Scotland) Act 1878 or the regulations made by the Corporation under those Acts the Corporation may ply for hire on the esplanade for the conveyance of passengers in vehicles provided under the authority of this section but the rate of speed of such vehicles when driven along the esplanade shall not exceed ten miles per hour.

(3) The Corporation may demand and take for the conveyance of passengers in the vehicles provided under the authority of this section such fares and charges as the Corporation may from time to time determine.

(4) Any expenditure incurred by the Corporation in the exercise of the powers of this section shall be paid out of the revenues of the said vehicles and in any year when such revenues shall be insufficient for the purpose the deficiency may be made good out of the city rate and shall be deemed to be 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.

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Power to abandon tramways.

32.—(1) The Corporation may at any time discontinue the use of and abandon the whole or any part of any tramway belonging to them and may take up and remove and use or dispose of the rails of any tramway or part of a tramway so abandoned and the posts poles wires cables and other apparatus and road material provided in connection therewith restoring the surface of the road as expeditiously and with as little inconvenience to the general traffic along the road as may be practicable Provided that the Corporation shall not without the previous approval of the Minister of Transport abandon a tramway unless and until adequate provision shall have been made for the conveyance of passengers by means of omnibuses along the route of the tramway intended to be abandoned or along some other convenient route in substitution for such first-mentioned route.

(2) After the abandonment of a tramway under the authority of this section all obligations and liabilities imposed on the Corporation under any Act of Parliament or Order relating to the tramways in respect of the tramway or part thereof abandoned shall cease and determine.

(3) Sections 14 and 16 of the Aberdeen District Tramways Act 1894 shall extend and apply to the omnibuses plying for hire on routes referred to in this section as if those sections were re-enacted in this Order with the substitution of the words "the Corporation" for the words "the Company."

PART IV.

LICENSING OF VEHICLES AND STREET TRAFFIC REGULATIONS.

Licensing of omnibuses.

33.—(1) The lord provost and magistrates may from time to time license omnibuses to ply for hire in the city.

(2) The sections of the Act of 1862 mentioned in the Second Schedule to this Order shall apply to the licensing of omnibuses and the term "hackney carriage" used therein shall be deemed to include an omnibus.

(3) Subsection (3) of section 14 of the Roads Act 1920 with respect to the right of appeal to the Minister of Transport on an application for a licence shall apply

to an application for a licence for an omnibus under this Order.

Insurance by hackney carriage and omnibus proprietors.

34.—(1) The lord provost and magistrates may in their discretion refuse to grant a licence for a hackney carriage or omnibus if the applicant for such licence fails to satisfy them that he has effected an insurance with a responsible insurance company or makes other adequate financial provision in respect of all passenger and third party risks in relation to such hackney carriage or omnibus but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and the provisions of that subsection shall apply accordingly:

Provided that in the case of an application to the lord provost and magistrates by a railway company for the grant of a licence to ply for hire the provisions of this section shall not apply.

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

Power to grant occasional licences.

35. An occasional licence for a hackney carriage or omnibus to ply for hire may be granted by the lord provost and magistrates to be in force for such day or days or other periods less than one year as may be specified in the licence.

Power to impose test on motor drivers of hackney carriages and omnibuses.

36. No person shall be entitled to drive a motor vehicle licensed by the lord provost and magistrates as a hackney carriage or omnibus unless he shall have satisfied the lord provost and magistrates of his ability to drive and for that purpose the lord provost and magistrates may impose such reasonable test as they think fit:

Provided that this section shall not apply to any person who has already passed a test of his ability to drive approved by the Ministry of Transport or by any other authority body or person under any public general or local Act.

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Provisions to lapse on passing of general Act.

37. In the event of a general Act relating to road traffic being passed in the present or the next ensuing session of Parliament containing provisions conferring upon any person or body of persons power to issue licences in respect of motor vehicles (other than tramcars or trolley vehicles) carrying passengers for hire or reward at separate fares or motor vehicles carrying passengers for hire or reward adapted to carry eight or more persons the preceding sections of this Part of this Order shall so far as they deal with matters in respect of which jurisdiction is conferred upon such person or persons cease to have effect as from the date of the coming into effect of such provisions.

Regulations as to stands or stopping places of omnibuses.

38.—(1) The lord provost and magistrates may make regulations prescribing within the city—

(*a*) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published timetable the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(*b*) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place.

On the first coming into force of regulations made by the lord provost and magistrates under this subsection any byelaws made by the lord provost and magistrates under section 161 (Regulations as to omnibuses or carriages plying within the city) of the Aberdeen Municipality Extension Act 1871 so far as such byelaws relate to the purposes for which regulations may be made under this subsection shall become and be annulled and thereafter the lord provost and magistrates shall not have power to make byelaws under the said section 161 of the said Act in relation to the matters aforesaid:

Provided that this section shall cease to have effect on the passing during the present or the next ensuing session of Parliament of any general Act relating to road traffic and conferring upon local authorities power to make orders fixing stands and stopping places for vehicles.

(2) Where the lord provost and magistrates propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one local newspaper circulating within the city and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the city.

(3) Every such notice shall indicate the time (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the lord provost and magistrates and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(4) The lord provost and magistrates shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport (in this section referred to as "the Minister").

(5) A notification of the right of appeal under this section shall be included in any notice sent by the lord provost and magistrates of their decision on an objection to the regulations and upon any appeal being made to the Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the lord provost and magistrates.

(6) The Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(7) Before making any order under this section the Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (3) and (4) of the section of this Order the marginal note whereof is "Regulations for controlling vehicular traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the Minister.

(8) Where an objection has been made to regulations proposed by the lord provost and magistrates under this

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section the regulations shall not be made until after the expiration of the time within which an appeal may be made by the objector to the Minister or if an appeal to the Minister has been made by the objector until after the determination or withdrawal of the appeal.

(9) Any company body or person running omnibuses in the city may at any time apply to the Minister to modify or extend any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the city or has been unfairly enforced and upon any such application the Minister after considering any representations made to him by the lord provost and magistrates may modify or extend the regulation to which the application relates.

Regulations for controlling vehicular traffic.

39.—(1) The lord provost and magistrates may from time to time make regulations applicable to that part of the area of the city within a radius of two miles from the General Post Office—

(*a*) prescribing the streets which are not to be used for traffic by vehicles of any specified class or description either generally or during specified hours;

(*b*) prescribing the streets or parts of streets along which vehicular traffic shall pass in one direction only either generally or during specified hours;

(*c*) prescribing the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulation made under paragraph (*a*) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the city whilst so engaged and that no regulation shall be made under paragraph (*b*) in respect of any street along which tramcars are for the time being operated in both directions:

Provided further that this section shall cease to have effect on the passing during the present or the next ensuing session of Parliament of any general Act relating to road traffic and conferring upon the Minister of Transport (in this section referred to as "the Minister") power to make regulations as to the restriction of the

use of vehicles upon specified roads or conferring upon any licensing authority power to attach conditions to licences as to the taking up or setting down of passengers by vehicles between specified points.

(2) (*a*) Before any regulation made under this section shall come into force the lord provost and magistrates shall submit the same to the Minister for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the city and in the Edinburgh Gazette and in such other manner (if any) as the Minister may direct The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(*b*) The Minister shall consider any regulations submitted to him by the lord provost and magistrates and any representations thereon which may be duly made and may approve the regulations with or without modification or may disapprove the same.

(3) Before approving any regulations the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the lord provost and magistrates shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the Minister for the services of such person.

(4) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

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(5) The regulations shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(6) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a local newspaper circulating in the city and otherwise in such manner as may be prescribed by the Minister and shall also during the continuance of any regulation approved under subsection (1) (*b*) hereof cause to be erected and maintained in suitable positions a warning notice in a form approved by the Minister indicating the effect of the regulation and the street to which it relates.

(7) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(8) As regards any regulation made and approved under this section (subject to any modification or extension made by the Minister as hereinafter provided) any person who—

(*a*) shall contravene any regulation under paragraph (*a*) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

(*b*) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (*b*) of the said subsection and a warning notice shall have been erected pursuant to subsection (6) of this section in contravention of such regulation; or

(*c*) shall contravene any regulation under paragraph (*c*) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(9) The Minister on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation under this section is unsuitable for the traffic requirements of the

city may if satisfied as to the correctness of such allegation and after considering any representations made to him by the lord provost and magistrates modify or extend the regulation to which the application relates.

Consent of railway companies to regulations.

40. Nothing contained in the sections of this Order the marginal notes of which are respectively "Regulations as to stands or stopping places of omnibuses" and "Regulations for controlling vehicular traffic" shall empower the lord provost and magistrates to make regulations fixing any stand or stopping place for omnibuses in any railway station depôt or yard or upon any bridge belonging to a railway company except with the consent of the railway company owning such station depôt yard or bridge or which would have the effect of obstructing or interfering with the access to or exit from any station depôt or yard or any hotel of any railway company or to make regulations for controlling vehicular traffic which would have the effect of preventing reasonable access to or exit from any station depôt yard or property of a railway company by road vehicles provided owned worked and used by a railway company in pursuance of statutory powers.

Penalties for neglect of traffic directions.

41. Where a police constable or a person duly authorised by the chief constable of the city is for the time being engaged in the regulation of traffic in any street road or public place or where any signal or sign has been erected by the Corporation for the purpose of directing the movement or line of movement of traffic in such street or road any person driving or propelling any vehicle who neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by the police constable or other person so authorised in the execution of his duty or to conform to the indication given by the signal or sign aforesaid shall be liable on summary conviction to a fine not exceeding five pounds:

Provided that this section shall cease to have effect on the passing during the present or the next ensuing session of Parliament of any general Act relating to road traffic and containing provisions as to penalties for neglect of traffic signs or directions.

Definition of "omnibuses."

42. For the purposes of this Part of this Order the expression "omnibuses" includes every omnibus chara-

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banc wagonette brake stage coach stage carriage or other carriage not being a tramway car plying for hire by or used to carry passengers at separate fares.

PART V.

ELECTRICITY WORKS RAILWAY.

Power to extend electricity works railway.

43. 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 railway hereinafter described with all proper junctions sidings approaches works and conveniences connected therewith (that is to say):—

A railway 6·53 chains or thereby in length wholly in the city and city parish of Aberdeen being an extension of the Railway No. 3 authorised by and described in the Aberdeen Corporation (Electricity Works Railway) Order 1921 commencing by a junction with that railway in Palmerston Place underneath the railway viaduct passing thence along Palmerston Place into and along Wellington Road and South College Street and terminating in the coal store belonging to the Corporation near the junction of South College Street and Portland Place.

Railway to be laid along street.

44. Subject to the provisions of this Order the Corporation may construct the railway by laying the same along across and on the level of Palmerston Place Wellington Road and South College Street.

Further incorporation of Acts.

45. The following portions of existing Acts shall for the purposes of the railway be incorporated with and form part of this Part of this Order and shall apply to the construction maintenance and working of the railway (that is to say):—

(1) Sections 26 to 33 inclusive and sections 49 50 54 55 57 59 60 and 62 of the Tramways Act 1870 and in construing the said sections the railway shall be deemed to be the tramway; and

(2) The sections of the Aberdeen Corporation (Electricity Works Railway) Order 1921 mentioned in the Third Schedule to this Order.

Power to deviate.

46. In the construction of the railway the Corporation may deviate laterally from the lines shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards Provided that in the exercise of the powers of this section the Corporation shall not construct the railway in any street or road so that for a distance of thirty feet or upwards a space less than ten feet six inches shall intervene between the outside of the footpath on either side of the street or road and the nearest rail of the railway.

Compulsory acquisition of land.

47.—(1) Subject to the provisions of this Order the Corporation may enter upon take and use for the purpose of constructing the railway and for setting back the frontage line of the streets or roads along which the railway is intended to be laid so much of the lands within the limits of deviation of the railway shown on the deposited plans as they may require for those purposes.

(2) Subject to the provisions of this Order the Corporation may enter upon take hold and use for the storage of coal and other materials for use in connection with the electricity works of the Corporation certain lands in the city shown and numbered 242 243 and 244 on the deposited plans and adjoining and lying to the north-east side of Portland Street.

Period for compulsory purchase of lands.

48. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Part of this Order shall cease upon the first day of October nineteen hundred and thirty-two.

Period for completion of railway.

49. The railway shall be completed within two years after the commencement of this Order.

For protection of railway companies.

50. The provisions of sections 29 (For protection of Caledonian Railway Company) and 30 (For protection of Great North of Scotland Railway Company) of the Aberdeen Corporation (Electricity Works Railway) Order 1921 shall extend and apply mutatis mutandis so far as applicable to the London Midland and Scottish Railway Company and the London and North Eastern Railway Company respectively and to the railway and relative works and operations of the Corporation by this Order

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authorised and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted by this Order with reference thereto and as if the reference to Railway No. 3 in the said sections were a reference to the railway by this Order authorised.

Regulations for public safety.

51. Within six months after the commencement of this Order the Corporation shall apply to the sheriff to make under section 33 (Regulations as to traffic on railways) of the Aberdeen Corporation (Electricity Works Railway) Order 1921 such further regulations (if any) as the sheriff may deem expedient having regard to the provisions of this Part of this Order.

PART VI.

TOWN PLANNING.

Power to make town planning schemes with reference to developed land.

52. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the city notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning (Scotland) Act 1925 (in this Part of this Order referred to as "the Act of 1925") shall subject to the provisions of this Part of this Order apply to the making of any such scheme and to any such scheme when made.

Purposes for which land may be purchased for town planning schemes under this Part of Order.

53. The purposes for which land may be purchased under the town planning scheme made under this Part of this Order shall include—

(*a*) the purpose of improving and developing frontages to and developing land abutting on or adjacent to any new street or any widening of an existing street; and

(*b*) the purpose of securing the development or redevelopment of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being held in parcels or plots of inconvenient size or shape.

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As to properties of which parts only are required for town planning schemes.

54.—(1) Section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase land compulsorily for the purposes of any town planning scheme made under this Part of this Order but if the owner of or any person interested in any house or other building or manufactory of which the Corporation have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbiter to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbiter") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

(2) If the arbiter determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the arbiter.

(3) If the arbiter determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbiter may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters

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under this subsection shall be borne and paid by such owner or other person.

(4) If the arbiter determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbiter determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbiter shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

Restriction on rights of purchase in certain cases.

55. The provisions of paragraph (2) of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Order except in so far as they relate to any land which has been acquired by any railway company for the purposes of a railway dock or canal but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body or person for the purposes of a water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Department of Health for Scotland.

Limitation on requirements under scheme.

56.—(1) No provisions of any such town planning scheme made under this Part of this Order prescribing the space about buildings or limiting the number of

buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

(*a*) to require the demolition removal or alteration of any building existing at the date of the passing of the resolution of the Corporation to prepare or adopt the scheme or of which the erection was commenced before that date; or

(*b*) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

unless and until the scheme is brought into operation for that purpose by an order of the Corporation approved by the Department of Health for Scotland and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Department of Health for Scotland for approval of any order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

(4) Upon the submission of the order (with or without modification) to the Department of Health for Scotland the Corporation shall serve on the owner a

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Registration of ownership of land and service of notices.

57. Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Order relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Department of Health for Scotland under the Act of 1925 or any Act repealed thereby to be given by the Corporation in connection with the preparation of the said scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company :

Provided that in any notice advertised by the Corporation pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

Definition of "owner" for certain purposes.

58. For the purposes of the sections of this Order of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of ownership of land and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

PART VII.

BUILDINGS DRAINS AND HOARDINGS.

As to building lines at street corners.

59.—(1) The Corporation may fix and lay down the line of any house or building to be erected or re-erected in the city at any corner formed by the junction of two streets and may require the front and sides or the front or any side of any such house or building to be set back

to such line for the purpose of widening or otherwise improving such corner Provided that the Corporation shall make full compensation to the owner of any such house or building for any loss or damage he may thereby sustain in the manner provided by the Lands Clauses Acts.

(2) Section 335 336 337 and 338 of the Act of 1862 shall apply to any line fixed and laid down by the Corporation at any street corner under the powers of this section and to the erection or re-erection of any house or building at any street corner where such line is fixed and laid down.

(3) The provisions of sections 334 and 339 of the Act of 1862 which authorise the Corporation to require the corner of a house or building to be rounded off shall be amended by the omission of the words " to the height of the first storey or floor at least " from each of the said sections :

Provided always in relation to subsections (1) and (2) of this section—

(*a*) That the Corporation shall not require the line to be fixed to the side street to be retired more than fifteen feet from the said side street; and

(*b*) That the provisions of the said subsections of this section shall not apply to any land at the junction of two existing streets along which buildings have been erected before the commencement of this Order to within forty feet and one hundred and sixty feet of the lines of the side street and the main street respectively.

Building byelaws.

60.—(1) The Corporation may from time to time make byelaws for any of the purposes aftermentioned (viz.) :—

(*a*) The drainage of the subsoil of sites on which buildings are about to be erected and of sites abutting streets or public places;

(*b*) The foundations of buildings;

(*c*) The strength and stability of the walls joisting and principal timber and ironwork of buildings;

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(*d*) The structure and form of and strength of materials used for foundations walls floors hearths staircases stairs stair-railings and passages roofs and chimneys of buildings;

(*e*) Projections over streets ornaments upon buildings overhanging the walls of such buildings projecting signs and show cases;

(*f*) Recesses in walls and openings in mutual and cross walls;

(*g*) The erection stability maintenance inspection and removal of scaffolding cranes barricades hoardings for buildings platforms and balconies and the dimensions position and use of the same;

(*h*) The provision of retaining walls and the erection of walls or other fences forming divisions between courts back courts and areas and of walls adjoining streets;

(*i*) Provision against the risk of fire in buildings and for means of escape from fire;

(*j*) The protection from fire of persons occupying dwelling-houses or occupied apartments where any trade business or manufacture is carried on or is intended to be carried on in the same tenement or building;

(*k*) The ventilation of and admission of light to buildings;

(*l*) The construction position and arrangement of the drainage of buildings and of soil pipes and waste pipes and of water-closets slop sinks urinals baths wash-hand basins and rain-water pipes and rhones;

(*m*) Pavement lights and gratings and openings for coal shutes;

(*n*) The giving of notices to the Corporation in connection with building operations and the making of inspections.

(2) The byelaws made under the powers of this section shall apply to any buildings erected after the making of the byelaws and to every building which is existing at that date and is thereafter taken down for more than one-half of its cubical content and re-erected

or commenced to be re-erected wholly or partially on the same site and to every addition to or alteration of any building and any other work made or done for any purpose in to or upon or in immediate connection with any building that may affect its sanitary condition air space or structural security or increase its dimensions or increase the number of separate occupancies therein so far as regards such addition or alteration or other work.

(3) The Corporation may by byelaws under this section impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of forty shillings for each offence.

(4) Byelaws made under the powers of this section in respect of the matters mentioned in paragraphs (*a*) (*b*) (*c*) (*d*) (*f*) (*g*) (*k*) (*l*) and (*n*) of subsection (1) of this section and of section 56 (Byelaws) of the Act of 1900 shall not take effect unless and until they have been confirmed by the Department of Health for Scotland and byelaws made under the powers of this section in respect of the matters mentioned in paragraphs (*e*) (*h*) (*i*) (*j*) and (*m*) of the said subsection (1) shall not take effect unless and until they have been confirmed by the sheriff who may allow modify or disallow the same as they may respectively think fit.

(5) Not less than one month before application is made by the Corporation to the said department or to the sheriff as the case may be for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the city and for a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.

(6) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said department or to the sheriff as the case may be who shall respectively consider the objection before confirming the byelaw.

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(7) Section 53 (Byelaws as to construction of buildings) of the Act of 1900 is hereby repealed.

Size and height of windows.

61. Section 60 (Ventilation of rooms) of the Act of 1881 as amended by section 36 of the Order of 1907 is hereby repealed and in lieu thereof it is enacted as follows :—

Every habitable room hereafter built shall have at least one window one-half of which shall be made to open to the full extent and the total area of glass in the window or windows shall be at least one-tenth of the area of the floor of such room and the top of the windows shall be such height being not less than seven feet above the floor of the room as the Corporation may approve and if such room be without a fireplace it shall be provided with special means of ventilation by air shaft or otherwise as the Corporation may approve.

Private drains and water-courses to be kept in good order by owners.

62. Section 304 (Drains privies and cesspools to be kept in good order by owners) of the Act of 1862 shall extend and apply to all private drains and to all water-courses ditches culverts and drains situated upon land laid out for building :

Provided always that the provisions of this section shall not apply to culverts constructed before the commencement of this Order and to the approval of the Corporation.

Streams not to be culverted or covered over except in accordance with plans.

63.—(1) It shall not be lawful to culvert or cover over any stream watercourse or ditch except in accordance with plans and sections to be submitted and approved by the Corporation such approval not to be unreasonably withheld.

(2) If any difference shall arise between the Corporation and an owner as to the reasonableness of their requirements under this section such difference may be determined by the sheriff on the application of either party.

(3) Any person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Power to require covering in of watercourses and ditches.

64.—(1) If any watercourse or ditch situated upon land laid out for building or on which land laid out for building abuts other than any ditch along the side of a road requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner of the land before any building operations are begun or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for the watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water through the same :

Provided always that in the case of the application of the powers of this section to the North Burn of Rubislaw and the West Burn of Rubislaw the owners of the lands through which those burns run shall have the option of carrying out the requirements of the Corporation under this section or of conveying to the Corporation free of burden and cost the ground over which those burns run together with a verge of land extending to a width of twenty feet on each side measured from the edge of the banks thereof or in the case where the burns abut on a street or other public place or land not belonging to the owners of those burns a verge of land belonging to such owners extending to a width of thirty feet along the side of the burn.

(2) Any person who fails to comply with a requirement of the Corporation under this section shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall authorise the Corporation to require the execution of works upon the land of any person other than the owner of the land laid out for building without the consent of that person or prejudicially to affect the rights of any person not being the owner of the land so laid out.

External elevation of buildings &c.

65.—(1) If having regard to the nature and situation of the site of any building or buildings proposed to be erected re-erected or altered or to the character of any buildings erected or in course of erection in the neighbourhood of such site the Corporation are of opinion that the character or appearance of the building or buildings proposed to be erected re-erected or altered would be

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injurious to amenity whether on account of the proximity to other buildings the elevation or design or the materials to be used or the undue repetition of the design the Corporation may order such alterations to be made in regard to the elevation or design or materials as they may deem necessary or expedient and may require the plans to be amended accordingly.

(2) Any person against whom any order of the Corporation under the provisions of this section has been made may within fourteen days from the date of such order make a representation in writing thereon to the Corporation who shall transmit such representation to the standing committee hereinafter mentioned within seven days On such representation being made it shall be necessary for the Corporation to obtain the consent of the standing committee to such order and the said committee before dealing with such representation shall give such person as aforesaid an opportunity of being heard.

(3) For the purpose of exercising the powers conferred on them by this section a standing committee of four members shall be constituted for the city of whom one member shall be nominated by the Secretary of State one member shall be nominated by the Royal Scottish Academy one member shall be nominated by the Royal Incorporation of Architects in Scotland and one member shall be nominated by the Corporation but shall not be a member or official of the Corporation.

Advertisements and advertising sites to be licensed.

66. For the purpose of protecting the amenity of the city and of enabling the Corporation to exercise control over any sites or hoardings to be used for the purposes of advertisements the following provisions shall have effect :—

(1) It shall not be lawful to erect exhibit fix maintain retain or continue any advertisement whether existing at the commencement of this Order or not upon any land building or hoarding except on such sites buildings or hoardings as the Corporation may in writing license and such licence may be granted for such period not exceeding three years and subject to such terms and conditions to be therein prescribed as the Corporation may deem proper :

(2) A licence shall not be necessary for any advertisement or site for advertisements (not being illuminated advertisements) of the classes following (that is to say) :—

(i) Advertisements exhibited within the window of any building;

(ii) Advertisements relating to the trade or business carried on within the land or building upon which the same are placed (and not being sky-signs) or to any sale feu or let of such land or building or any effects therein or to any sale entertainment or meeting held in or upon the same;

(iii) Advertisements relating to the business of any railway company;

(iv) Advertisements exhibited within any railway station or upon any wall or other property of a railway company except any portion of the surface of such wall or property fronting any public street:

(3) If any advertisement be erected retained or continued contrary to the provisions of this section or after the licence for the erection maintenance or retention thereof on a licensed site for any period shall have expired or become void the corporation may require the owner or occupier of the land or building upon which the same is placed or rests to take down or remove such advertisement within a specified time and in the event of his failing to do so the burgh surveyor of the city shall report such failure to the prosecutor in the police court and the magistrate may on the application of the prosecutor grant warrant to and authorise the burgh surveyor of the city to take down and remove such advertisement at the expense of such owner or occupier and the expense of the removal and of the proceedings with reference thereto shall be paid by such owner or occupier and may be recovered in any competent court :

(4) Any person acting in contravention of any of the provisions of this section or of the terms and

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conditions of any licence under this section shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

(5) The expression "advertisement" shall in this Part of this Order mean any word letter model sign placard board notice device or representation whether illuminated or not in the nature of or employed wholly or in part for the purpose of advertisement announcement or direction on over or resting upon any land building street or public way :

(6) If the Corporation shall refuse to grant a licence under the provisions of this section they shall state their reasons for such refusal and any person aggrieved by the refusal to grant any such licence or by the terms and conditions attached to such licence may appeal to the sheriff within fourteen days after receipt of notice from the Corporation refusing a licence by letter signed by or on behalf of such person stating the grounds of such appeal and a copy of such letter shall at the same time be sent to the town clerk and the sheriff may after hearing the parties either dismiss the appeal or may grant the licence for a period not exceeding three years :

(7) Licences existing as at the twenty-eighth day of March nineteen hundred and thirty shall continue until Whitsunday nineteen hundred and forty ;

(8) Section 42 (Sites for advertisements) of the Act of 1900 is hereby repealed :

(9) Subsection (1) of section 43 of the Act of 1900 is hereby amended by inserting the words "and "the position thereof in relation to the building "line of the adjoining buildings" after the words "stability and sufficiency of such hoarding or similar structure."

Control of vacant building

67.—(1) For protection of the amenity of the city and for preventing the disfigurement of the streets by the unsightly condition of adjacent lands and buildings the

Corporation may make byelaws for regulating the manner in which vacant building areas fronting a street and unoccupied or ruinous buildings in a street may be kept. areas and derelict buildings.

(2) Byelaws made under the authority of this section shall not apply to an area or building in a street unless at least one-half of the frontage of either side of the street is built upon.

(3) Byelaws made under the powers of this section shall not take effect unless and until they have been confirmed by the Department of Health for Scotland who may allow modify or disallow the same as they may think fit.

(4) The owner and occupier of a building area or building who fails to comply with the byelaws made under the authority of this section shall be liable on summary conviction to a penalty not exceeding five pounds for each area or building in respect of which he fails to comply and to a daily penalty not exceeding forty shillings.

(5) Not less than one month before application is made by the Corporation to the said department for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the city and for a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.

(6) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said department who shall consider the objection before confirming the byelaw.

Regulations for protection against fire in buildings used for entertainment and public resort.

68.—(1) The Corporation may from time to time subject to the approval of the sheriff make alter vary and amend such regulations as they may think expedient with respect to the requirements for the protection from fire of houses buildings halls rooms or other places of public resort in the city kept or intended to be kept open for the public performance of stage plays or music for

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cinematograph shows for public dancing or for other public entertainment of the like kind having in any case accommodation therein for the public of a superficial area of five hundred square feet or upwards and the Corporation may by such regulations prescribe the requirements as to position design structure and equipment of such houses buildings halls rooms or places of public resort which may in the opinion of the Corporation be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof Provided that the Corporation may from time to time in any special case on a report from the burgh surveyor the chief constable and the firemaster of the city dispense with or modify such regulations or annex thereto conditions if they think it necessary or expedient so to do.

(2) The Corporation shall after the making altering varying or amending of any such regulations cause the same to be printed with the date thereof and a printed copy thereof shall be kept at the office of the town clerk and all persons may during office hours inspect such copy without payment and the Corporation shall furnish a printed copy of all regulations for the time being in force to every person applying for the same on payment by such person of any sum not exceeding one shilling for every such copy.

(3) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(4) After the making of any such regulations it shall not be lawful for any person to have or keep open any such house building hall room or other place of public resort for any of the purposes aforesaid unless and until the Corporation grant to such person a certificate in writing to the effect that such house building hall room or other place is at the date of the grant of the certificate in accordance with the regulations made by the Corporation in pursuance of this section and for the time being in force and in so far as the same are applicable to such

house or other place and to the conditions (if any) annexed thereto by the Corporation.

(5) In case any such house building hall room or place of public resort is opened or kept open by any person for any of the purposes aforesaid contrary to the provisions of this enactment such person shall be liable on summary conviction to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid.

Saving for works of railway companies.

69.—(1) Nothing contained in the sections of this Order the marginal notes of which are respectively "As to building lines at street corners" "Building byelaws" and "External elevation of buildings &c." shall apply to any building or property (other than dwelling-houses) belonging to a railway company or used for railway purposes or affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes except with respect to sewers drains and other sanitary matters.

(2) Nothing contained in the sections of this Order the marginal notes of which are respectively "Private drains and watercourses to be kept in good order by owners" "Streams not to be culverted or covered over except in accordance with plans" and "Power to require covering in of watercourses and ditches" shall apply to any culvert or covering constructed or to be constructed by a railway company under any statutory power.

PART VIII.

FINANCE AND RATING.

Further borrowing powers.

70. The Corporation may from time to time borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof 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 third column thereof and they shall provide annually under the appropriate estimate or revenue mentioned in the fourth column thereof the amounts of money

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required for paying interest on the money borrowed and for paying off the principal sums within the prescribed period:—

1	2	3	4
Purpose.	Amount.	Period for repayment.	Estimate or revenue.
	£		
For the construction of the street improvements Works Nos. 1 to 7 inclusive authorised by this Order.	77,000	50 years	The city rate under the sixth head levied equally on owners and occupiers.
For the construction of the tramways authorised by this Order and the removal of the existing tramway track.	27,000	20 years	The tramways revenue.
For the electrical equipment of the tramways authorised by this Order.	6,000	20 years	The tramways revenue.
For the extension of the electricity works railway authorised by this Order.	3,000	30 years	The electricity revenue.
For the purchase of land including buildings thereon.	200,200	60 years	The city rate under the sixth head as aforesaid.
For works of widening streets and bridges.	128,000	50 years	The city rate under the sixth head as aforesaid.
For improvement of road surfaces of existing streets and bridges.	10,000	15 years	The city rate under the sixth head as aforesaid.
For causewaying and repaving existing streets.	15,000	15 years	The city rate under the first head.
For omnibus garages -	20,000	35 years	The tramways revenue.
For omnibuses - -	40,000	7 years	The tramways revenue.
For the transfer of city halls.	38,000	30 years	The city rate under the sixth head as aforesaid.

1	2	3	4
Purpose.	Amount.	Period for repayment.	Estimate or revenue.
For schemes for the transfer of city churches.	£ 25,000	20 years	The city rate under the sixth head as aforesaid.
For paying the costs charges and expenses of obtaining this Order.	The sum requisite.	5 years from the commencement of this Order.	The city rate and appropriate revenue.

Repayment of moneys borrowed.

71. 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.

72. 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 stocks) of that Act as amended by this Order and subject to the provisions of the Local Government (Scotland) Act 1929 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.

73.—(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

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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.

74. 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.

Power to use one form of mortgage for all purposes.

75.—(1) Where the Corporation have from time to time any statutory borrowing power as defined in this section they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) All mortgages to be granted by the Corporation after the commencement of this Order for moneys borrowed in the exercise of any statutory borrowing power may be in or near to the form contained in the Fifth Schedule to this Order and such mortgages may be

renewed transferred and discharged by minutes of renewal transfer or discharge in or near to the forms contained in the said schedule.

(3) All mortgages granted under this section and any interest thereon shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation and all stock created and issued by the Corporation and any interest thereon at any time after the date of the first grant of a mortgage under this section.

(4) For the purposes of this section a statutory borrowing power is any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any security representing or granted in lieu of consideration money for the time being existing under the City Acts or this Order or under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed in relation to the undertakings authorised by the City Acts.

As to register of mortgages.

76. (*a*) There shall be kept at the office of the city chamberlain a register of mortgages (hereinafter in this section referred to as "the register") made and granted by the Corporation and before any mortgage shall be delivered to the mortgagee the registrar shall make or cause to be made an entry in the register of the following particulars thereof (that is to say):—

(1) The name and description of the mortgagee;

(2) The number and date of the mortgage;

(3) The term of repayment; and

(4) The rate of interest;

and a certificate of registration shall be endorsed on the mortgage and signed or initialled by the city chamberlain or by his depute.

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(*b*) In the case of a mortgage made and granted by the Corporation either before or after the commencement of this Order every assignation of the same granted after the commencement of this Order shall be intimated in writing to the Corporation at the office of the city chamberlain and the person making the intimation shall produce therewith such mortgage and the assignation thereof and the city chamberlain shall make or cause to be made an entry in the register of the date of any such assignation and of the names of the parties thereto and a certificate of registration signed or initialled by the city chamberlain or by his depute shall be endorsed on the mortgage.

(*c*) On the renewal of a mortgage the registrar shall enter or cause to be entered in the register the following particulars of such renewal (that is to say) :—

(1) The date of renewal;

(2) The term of repayment under such renewal; and

(3) The rate of interest for the period of the renewal.

(*d*) On the discharge of a mortgage the registrar shall make or cause to be made in the register a note of such discharge and the date thereof.

(*e*) The whole expenses of and attending the making and granting of mortgages by the Corporation shall form a charge on the loans fund.

Execution of mortgages.

77. Every mortgage made and granted by the Corporation after the commencement of this Order shall be and be deemed to be validly executed notwithstanding any law or practice to the contrary if the same is sealed with the common seal of the Corporation and signed by two members of the Corporation and by the town clerk or his depute.

Saving for existing rating limits and exemptions.

78. Notwithstanding anything contained in this Order the accounts of the Corporation shall be so kept as to show under a separate heading or division in relation to the respective funds assessments and accounts of the Corporation the amounts of all revenues and expenditure (including moneys paid into or out of the loans fund) and the Corporation shall not under the powers of section 61 (Guarantee rate) of the Act of 1891 impose assess or levy any rate for the purpose of any fund

assessment or account which taking one year with another shall be in excess of any limit which may be prescribed as the maximum amount of the rate for such fund assessment or account.

Rules for administration of loans fund.

79. For the purpose of administering the loans fund the rules contained in the Fourth Schedule to this Order shall apply and have effect.

Alteration of financial year for gas and electricity accounts.

80. For the purpose of the accounts of the gas and electricity undertakings of the Corporation each year shall be deemed ended on the thirty-first day of May and section 34 of the Order of 1915 shall be read and take effect accordingly as from the first day of June nineteen hundred and thirty-one.

As to assessment for provision of music in public parks.

81. The proviso to section 43 (Power to provide music in public parks &c.) of the Aberdeen Corporation Act 1899 limiting the amount of money to be spent by the Corporation out of the assessments in any one year in providing music in public parks gardens open spaces to the sum of two hundred and fifty pounds is hereby amended by substituting for that sum the sum of one thousand pounds.

Increase of assessment for art gallery purposes.

82.—(1) The limit imposed by section 34 (Assessment for art gallery purposes) of the Order of 1907 on the amount of the expenses for art gallery purposes as defined in section 28 of the Order 1907 which may be defrayed out of the city rate is hereby increased from one halfpenny per pound as provided in that section to one penny per pound.

(2) The provisions of the Order of 1907 which relate to the defraying of expenses in connection with the city art gallery and industrial museum as amended by this section shall apply to the defraying of expenses in connection with the city war memorial erected at the junction of Schoolhill and Blackfriars Street.

Expenditure on public halls.

83.—(1) As on the first day of June nineteen hundred and thirty the public halls as defined in this section shall stand transferred in the city accounts from the common good of the city to the police accounts of the revenue and expenditure of the Corporation in

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administering the City Acts and thereafter the annual expenditure of the Corporation required for maintaining and managing the public halls 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 to be expenditure under the sixth 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 one-half by owners and one-half by occupiers of lands and heritages within the city.

(2) The Corporation shall out of moneys to be borrowed under the authority of this Order for the purposes of the transfer of public halls 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 nineteen hundred and thirty as the total capital expenditure paid by the Corporation out of the common good of the city on the provision of public halls 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) For the purposes of this section the expression "public halls" means the Town House of Old Aberdeen the Woodside Hall the Cowdray Hall and the Music Hall.

Rating for city churches.

84. All moneys required for the purpose of paying the interest on and sinking fund charges for the repayment of money borrowed by the Corporation under the powers of this Order for the purpose of any scheme or schemes for the transfer of the Aberdeen city churches under the Church of Scotland (Property and Endowments) Act 1925 shall be paid out of the city rate by assessment levied equally on owners and occupiers and shall be deemed expenditure under the sixth head of the estimate made up in terms of section 39 (Annual expenditure to be estimated by town council) of the Act of 1891.

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Deduction allowed to owners on paying rates for low rented premises.

85. Section 37 (Rates on rentals not exceeding five pounds to be levied on owners) of the Act of 1881 is hereby amended by substituting for the expression "one-fourth" where it appears in that section the expression "one-eighth" as the amount of the deduction from rates and assessments payable by owners of premises of which the annual rental does not exceed five pounds and also by substituting for the expression "the sum so paid" where it appears in that section the expression "the full amount thereof."

Repeal of exemption of machinery from rating.

86. Section 89 (Exemptions from general and district assessments) of the Act of 1862 shall for the purposes of assessments levied or to be levied after Whitsunday nineteen hundred and thirty be read and construed as if the words "or the machinery or utensils of any spinning mill brewery or other manufactory" were omitted therefrom and the said section is hereby amended accordingly.

PART IX.

MISCELLANEOUS.

Increase of dues payable at fish market.

87. The Ninth Schedule to the Act of 1891 of the maximum tolls dues stallages rates and rents to be taken for the fish market shall be amended by inserting the word "farthing" after the words "one penny" in the first and second paragraphs of the said schedule specifying the dues on fish and fresh herrings.

Trade effluents in sewers.

88.—(1) The Corporation may make byelaws fixing the temperature above which it shall be unlawful to allow the effluent to pass from any premises used for carrying on any trade or industry into the public sewers and such byelaws may impose penalties for the neglect or refusal to conform to such byelaws.

(2) Byelaws made under the powers of this section shall not take effect unless and until they have been confirmed by the Department of Health for Scotland who may allow modify or disallow the same as they may think fit.

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(3) Not less than one month before application is made by the Corporation to the said department for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the city and for a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.

(4) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said department who shall consider the objection before confirming the byelaw.

Penalty for using buildings for public entertainments without licence.

89.—(1) Every person keeping using or knowingly letting any building or part of a building or any place for the purpose of the performance of stage plays or other theatrical representations or for the purpose of a music hall circus exhibition or place of public resort for public dancing or other entertainment of a like kind into which admission is obtained by payment of money or for money consideration without being duly licensed in accordance with the provisions of section 21 (Theatres &c. to be licensed) of the Order of 1911 shall be liable on summary conviction to a penalty not exceeding twenty pounds and every person being therein without lawful excuse shall be liable on summary conviction to a penalty not exceeding forty shillings and the burden of proving that any such building part of a building or place is so licensed shall be upon the person keeping or conducting the same.

(2) Any magistrate may by order in writing authorise any constable to enter any building or part of a building suspected to be kept or used for any of the purposes hereinbefore specified into which admission is obtainable by payment of money or for money consideration and which is not licensed in accordance with the requirements of this Order at any time when the same is open for the reception of persons resorting thereto and to remove any person found therein without lawful excuse.

For protection of bill-posting companies.

90.—(1) The provisions of Part VI (Town planning) of this Order shall not apply to hoardings for advertisements.

(2) The provisions of the section of this Order the marginal note of which is " External elevation of buildings &c. " shall not apply to hoardings for advertisements.

Inquiries by Minister of Transport.

91. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Order or any of the City Acts the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words " under the seal of the Minister of Transport " were substituted for the words " by " writing under the hand of the President or of one of " the secretaries of the Board."

Correction of errors in deposited plans and book of reference.

92. 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 and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear 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 sheriff clerk of the county of Aberdeen and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such sheriff clerk and the 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 in accordance with such certificate.

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Designation of burgh surveyor.

93. After the commencement of this Order the burgh surveyor of the city shall be designated the city engineer and section 124 (Appointment of surveyor) of the Act of 1862 and all other references to the surveyor or burgh surveyor in the City Acts shall be read and have effect accordingly.

Crown rights.

94. 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.

95. 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 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.

The SCHEDULES referred to in the foregoing Order. A.D. 1930.

THE FIRST SCHEDULE.

Sections of the Aberdeen Corporation Tramways Acts 1872 to 1922 which are applied to the tramways authorised by this Order.

Date of Act or Order and marginal note of section.	Number of section.
The Aberdeen District Tramways Act 1888—	
Gauge of tramways	12
Carriages constructed for use on railways not to be used	13
Tramways to be kept level with surface of roads	15
Penalty for not maintaining tramways	16
Company may be required to use improved rails	20
Temporary tramways may be made when necessary	22
Agreements between the Company and road authorities	26
Byelaws	31
Amendment of the Tramways Act 1870 as to bye-laws by local authority	33
Orders and byelaws	34
The Aberdeen District Tramways Act 1894—	
Cheap fares for labouring classes	14
As to fares on holidays and Sundays	15
Periodical revision of tolls	16
Provisions as to use of electric power	18
Provision as to general Tramway Acts	20
The Aberdeen District Tramways Order 1896—	
Provisions as to construction of tramways	6
The Aberdeen Corporation (Tramways) Act 1898—	
Annual estimate for tramways	30
The Aberdeen Corporation Tramways Act 1900—	
Penalty for damage to tramways	21
Provisions as to motive power	22
Power to construct subsidiary works for working tramways by mechanical power	23
Mechanical power works to be subject to section 30 of Tramways Act 1870	24

A.D. 1930.	Date of Act or Order and marginal note of section.	Number of section.
	The Aberdeen Corporation Tramways Act 1900—*cont.*	
	Power to make byelaws &c. to facilitate traffic -	26
	Penalties for offences against byelaws &c. - -	27
	Confirmation of byelaws &c. by sheriff - -	28
	Notice of confirmation of byelaws &c. - - -	29
	The Aberdeen Corporation Tramways Order 1903—	
	Power to break up streets &c. - - - -	7
	Rails of tramways - - - - - -	8
	Crossovers to be constructed in certain cases -	9
	Power to make additional crossings and to double tramway lines - - - - - -	10
	Inspection by Board of Trade - - - -	13
	For protection of Postmaster-General - - -	16
	Penalty for malicious damage - - - -	17
	Recovery of penalties - - - - - -	18
	Attachment of brackets to buildings - - -	19
	The Aberdeen Corporation Order 1915—	
	Use of tramway posts by Postmaster-General -	25

THE SECOND SCHEDULE.

Sections of the Aberdeen Police and Waterworks Act 1862 applied to the licensing of omnibuses.

Marginal note of section.	Number of section.
Hackney carriages to be licensed - - - -	180
Fee to be paid for licence - - - - - -	182
Persons applying for licence to sign a requisition for same - - - - - - - - -	183
Terms of licence - - - - - - -	184
Licences to be registered - - - - - -	185
Licence to be in force for one year only - - -	186
Notice to be given by proprietors of hackney carriages of change of abode - - - - - -	187
Penalty for plying for hire without a licence - -	188
Drivers not to act without a licence - - - -	189
Penalty on drivers acting without licence - - -	190
Proprietor to retain licence of drivers when in his employ and to produce the same when summoned	191

Marginal note of section.	Number of section.
Proprietor to return licence to driver when quitting his service if not guilty of misconduct if otherwise proprietor to summon him	192
Licences to be suspended or revoked for misconduct	193
Number of persons to be carried in a hackney carriage to be painted thereon	194
Penalty on drivers misbehaving	203
Penalty for leaving carriages unattended at places of public resort	204
Damage done by driver may be recovered from the proprietor	205
Improperly standing with carriage refusing to give way to or obstructing any other driver	206
Compensation may be awarded to drivers for loss of time in attending to answer complaints not substantiated	208

THE THIRD SCHEDULE.

Sections of the Aberdeen Corporation (Electricity Works Railway) Order 1921 incorporated with this Order for the purposes of the railway.

Marginal note of section.	Number of section.
Rails to be on level of road surface	6
Gauge	7
Railway to be laid as a single line	8
Power to break up streets &c.	17
Plan of proposed mode of construction	18
Rails to be approved by Minister of Transport	19
Railways may be worked by steam or other mechanical power	20
Penalty for not maintaining rails and roads	22
Penalty for malicious damage to railways	23
Agreements with Harbour Commissioners and railway companies	25
For protection of Postmaster-General's telegraphic lines	26
Use of railways by Corporation	32
Regulations as to traffic on railways	33
Recovery of penalty	34
Railways to form part of electricity undertaking	35

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THE FOURTH SCHEDULE.

Rules and regulations for the operations of the loans fund.

INTRODUCTORY.

Division of loans fund into parts.

1. The loans fund shall be kept in two parts viz. :—

PART I. Being a record of all assets and liabilities of the fund shewing under—

(*a*) *Assets.*

(1) Advances to Corporation departments;
(2) Investments;
(3) Any other assets.

(*b*) *Liabilities.*

(1) Capitalised value of annuities;
(2) Corporation stock;
(3) Mortgages;
(4) Any other liabilities.

PART II. Revenue transactions showing as—

(*a*) *Income.*

(1) Interest from Corporation departments—
(*a*) in respect of advances on capital account;
(*b*) in respect of interest on advances for ordinary expenditure;
(2) Income from investments;
(3) Other income.

(*b*) *Expenditure.*

(1) Annuities;
(2) Interest on stock mortgages and other loans;
(3) General expenses of loans including stamp duties.

PART I OF THE FUND.

Closing of existing loans (capital accounts).

2. (*a*) All the secured and unsecured debt incurred by the Corporation in exercise of any statutory borrowing powers as defined in the section of the foregoing Order of which the marginal note is "Power to use one form of mortgage for all purposes" and balances of any other loans funds or accounts of a capital nature (including sinking or redemption funds) arising out of the exercise of any statutory powers shall as from a day to be appointed by resolution of the Corporation hereinafter referred to as "the appointed day" be carried to the loans fund and shall be deemed to form part of that fund.

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Payments to loans fund.

(*b*) There shall be paid to the loans fund as and when they are received or in the case of the sums specified in sub-clause (iii) of this paragraph when they are due—

(i) All moneys borrowed by the Corporation whether by issue of stock or otherwise in connection with the exercise of statutory borrowing powers;

(ii) All moneys of a capital nature received by the Corporation acting in the exercise of statutory powers whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose; and

(iii) The appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation or any authority or person to whom the Corporation may be authorised to advance money provided that subject to the provisions of this Order such appropriate sums shall be set aside in all cases upon like yearly or half-yearly dates and may at the discretion of the Corporation be either equal yearly or half-yearly instalments of principal or the amounts of the principal moneys set out in a schedule prepared at the inception of the advance where such advance is repaid on the annuity system or in the case of loans current at the date of establishment of the loans fund settled at the date of such establishment.

Capital moneys paid into loans fund.

3. Whenever capital moneys are paid into the loans fund otherwise than on loan the periodical repayment instalments in respect of the advance or advances affected or if no such advance is affected then the repayment instalments in respect of some other advance for a like purpose or if there be no such advance for a like purpose then the repayment instalments in respect of such other advance as the Corporation may determine shall be adjusted.

Payments from loans fund.

4. All receipts of a capital nature and included in Part I of the loans fund shall be used or applied—

(*a*) In the exercise of any duly authorised borrowing power by advance of the required amount to the appropriate department of the Corporation and the making of advances to other authorities or persons where such advances are authorised Such advances shall ordinarily be effected on the fifteenth day of May in each year which date shall for purposes of repayment be regarded as the borrowing date Nothing however shall prevent the Corporation from making any such advance during the year in which event interest shall be charged in accordance with the provisions of clause 11 hereof the marginal note whereof is "Revenue balances and apportionment of interest" The amount advanced in

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exercise of a borrowing power shall be regarded as due or owing to the loans fund by the appropriate department charged with the repayment of that amount and such amount shall be diminished each year by the amount paid into the fund during the year (including capital moneys if any) in respect of such borrowing power;

(*b*) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

and the said moneys not used or applied in these ways may be invested in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest and the sums realised by the sale of such securities shall on receipt be paid into the loans fund and the moneys forming Part I of the said fund shall not be used or applied otherwise than as herein stated Provided always that no investment in or sale of the said securities shall be made unless and until it has been approved by a resolution of the finance committee of the Corporation.

Discounts on stock issues &c.

5. (*a*) All discounts on stock issues or premiums to be met on the repayment of a stock shall be debited in the first instance to Part I of the loans fund account but shall be treated as capital expenditure on account of the various borrowing departments of the Corporation and shall be allocated between these departments in the same manner as is laid down in clause 12 hereof the marginal note whereof is "General expenses of loans."

(*b*) The Corporation may advance out of the loans fund such amounts as may be necessary to defray the capital expenditure aforesaid provided that such advances shall be repaid to the loans fund by equal yearly or half-yearly instalments over such period as the Corporation may determine subject to the condition that in no case shall the period fixed for repayment extend beyond the date when the stock becomes redeemable at the option of the Corporation.

Expenses of stock issues.

6. Expenses of stock issues shall be dealt with in the same manner as is in the immediately preceding clause provided for discounts on stock issues or premiums to be met on the repayment of a stock Provided that the period for the repayment of any advances from the loans fund in respect of expenses of stock issues shall in no case exceed five years from the date of the advance.

Discounts on loans &c.

7. All discounts on loans or premiums to be met on the repayment of loans and expenses of loan issues shall be dealt with in the same manner mutatis mutandis as is provided for discounts on stock issues premiums to be met on the repayment of a stock and expenses of stock issues.

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Net losses on the realisation of loans fund investments &c.

8. Net losses on the realisation of loans fund investments in any year shall be dealt with in the same manner mutatis mutandis as is provided in clause 6 hereof the marginal note whereof is "Expenses of stock issues" For the purpose of this clause net losses on the realisation of loans fund investments means the total losses incurred in any year on the sale or realisation of such investments less—

(*a*) the total gains accruing to the Corporation from the sale of loans fund investments;

(*b*) any sum transferred from the loans fund reserve account in terms of clause 9 (*a*) hereof the marginal note whereof is "Loans fund reserve account";

(*c*) the total gains accruing to the Corporation from the purchase of stock or loans below redemption price or nominal value;

(*d*) the total premiums on stock issues:

Provided that where the gains transfers or premiums referred to in (*a*) (*b*) (*c*) and (*d*) above exceed the total losses incurred on the sale or realisation of loans fund investments the Corporation may in their option direct either that—

(1) The excess in whole or in part be carried to the credit of the "General expenses" account referred to in clause 12 hereof the marginal note whereof is "General expenses of loans";

(2) The excess in whole or in part be allocated among the borrowing departments in the same manner as is provided for in clause 12 hereof the marginal note whereof is "General expenses of loans" such excess to be credited to the capital accounts of the borrowing department; or

(3) The excess in whole or in part be credited to the loans fund reserve account referred to in clause 9 hereof the marginal note whereof is "Loans fund reserve account."

Loans fund reserve account.

9. The Corporation may establish a loans fund reserve account to which shall be credited any excess which in terms of the immediately preceding clause hereof the marginal note whereof is "Net losses on the realisation of loans fund investments &c." the Corporation have directed to be so credited provided that the moneys at the credit of the loans fund reserve account shall only be available—

(*a*) for meeting any losses sustained in the realisation or sale of loans fund investments in any year subsequent to the year in which the transfer to the reserve fund is made; or

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(*b*) in reduction of the periodical repayments by the borrowing departments to the loans fund over such period of years as the Corporation may determine provided that in effecting any reduction of such periodical repayments the Corporation shall allocate the total annual amount to be applied towards such reduction over the borrowing accounts in the same manner as is provided for the allocation of other expenses referred to in clause 12 hereof the marginal note whereof is "General expenses of loans."

PART II OF THE FUND.

Income and expenditure.

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of expenditure over income effect shall be given to the provisions of clauses 11 and 12 hereof the marginal notes whereof are respectively "Revenue balances and apportionment of interest" and "General expenses of loans."

Revenue balances and apportionment of interest.

11. (*a*) All balances of any loans accounts of a revenue nature shall as from the appointed day be carried to the loans fund and shall be deemed to form part of that fund.

(*b*) To each department which has from time to time during any year invested any revenue balances in the loans fund there shall be credited interest at a rate to be determined by the Corporation.

(*c*) To each department which has made any special repayment of an advance during any year there shall be credited interest from the date of such repayment to the end of the accounting year at the average rate payable by the Corporation on moneys borrowed on loans fund account.

(*d*) To each department which has provided a capital sum (not used for the reduction of its indebtedness to the loans fund) there shall be credited interest at a rate to be determined by the Corporation provided that such rate shall be equal as nearly as may be to the rate of interest which would be payable on loans raised during the year of account under a statutory borrowing power.

(*e*) Interest at the average rate payable by the Corporation on moneys borrowed on loans fund account shall be charged in respect of all broken periods where new advances have been made during the year.

(*f*) To each department which has from time to time during any year received temporary advances of moneys from the loans fund for current or other expenses there shall be debited interest at a rate to be determined by the Corporation.

(*g*) The amount of the expenditure on interest on stock and other loans shall be ascertained and after allowing for the foregoing adjustments shall be apportioned among the departments of the Corporation in proportion to the respective advances outstanding and due by them to the loans fund at the commencement of the year of account.

General expenses of loans.

12. The general expenses of loans account referred to in clause 1 of this Schedule and which includes all expenses in connection with the management of the loans fund shall be credited with fees received on the transfer of stock or loans and any other revenue receipts There shall also be credited to this account any sums received from any person or borrowing authority in respect of their proportion of management expenses The balance on the account shall thereafter be apportioned to the borrowing departments of the Corporation at the end of each year ending fifteenth May in the ratio which the total outstanding advances to each borrowing department bear to the total outstanding advances of all the borrowing departments of the Corporation but such apportionment to departments may be adjusted where circumstances render it desirable from the point of view of maintaining equity as between the various borrowing departments.

GENERAL AND TRANSITORY PROVISIONS.

Accounts and balance sheet.

13. The Corporation shall keep a separate set of accounts and prepare a separate balance sheet of the loans fund and in addition to the requisite mortgage and stock registers they shall also keep a register of advances out of the loans fund to the borrowing departments of the Corporation or to any other local authorities or persons to whom the Corporation may be authorised to advance money setting out all arrangements in regard to repayment provided that the register shall shew the relation of the total advances to any borrowing department of the Corporation to the total borrowing powers exerciseable by that department.

Bank accounts.

14. The Corporation may make such regulations regarding their banking account or accounts as they may think fit.

Certification of accounts and returns.

15.—(1) The accounts relating to the loans fund shall be certified as to correctness by the Corporation's chief financial officer and the Corporation shall at least once in every year require the auditor of the accounts of the Corporation to make a report setting forth—

(*a*) the borrowing and other Acts under which advances have been made and whether the Corporation have duly paid into the loans fund the interest due by the borrowing accounts of the Corporation and the

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appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation; and

(*b*) that the terms of the proviso to clause 4 hereof the marginal note whereof is "Payments from loans fund" have been duly complied with.

(2) The said report shall be published annually along with the accounts of the Corporation and shall be open to the inspection of every person interested and a copy of such report shall every year within seven days of such publication be transmitted by the Corporation to the Secretary of State.

(3) In the event of such report by the auditor at any time shewing that the Corporation have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid it shall be competent for the Secretary of State to apply summarily to the Court of Session to compel the Corporation to make such payments and the said court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

Revision of scheme.

16. The Secretary of State may from time to time at the request of the Corporation make such additions to or alterations in this schedule as may be found to be necessary or desirable.

THE FIFTH SCHEDULE.

FORMS.

A.—MORTGAGE OR ASSIGNATION.

ABERDEEN CORPORATION LOANS FUND.

Mortgage No..... £.....

By virtue of the Aberdeen City Acts 1862 to 1930 and Acts of Parliament of subsequent years relating to the city and royal burgh of Aberdeen and by virtue of the public Acts of Parliament authorising the borrowing of money for public purposes by the local authority of the said city we the lord provost magistrates and town council of the city and royal burgh of Aberdeen in consideration of the sum of
sterling paid to us by
for the purposes of the said Acts

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Do hereby grant and assign to the said (hereinafter referred to as "the mortgagee") such proportion of the lands properties buildings works assessments rents rates profits charges revenues and moneys arising accruing or leviable under or by virtue of the said Acts as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said lands properties buildings works assessments rents rates profits charges revenues and moneys or any of them to hold to the mortgagee and foresaids from the day of nineteen hundred and until the day of nineteen hundred and or until the said sum of with interest thereon at the rate of per centum per annum for the same (payable half-yearly on the day of and the day of) shall be fully paid and satisfied and it is hereby provided that the said principal sum shall be repayable on the day of nineteen hundred and .

Executed on behalf of the lord provost magistrates and town council of the city and royal burgh of Aberdeen in terms of the Aberdeen Corporation Order 1930 at Aberdeen on the day of nineteen hundred and .

.....
.....
Both clerks in the City Chamberlain's Office Aberdeen
} *Witnesses.*

.....
.....
} *Members of the Town Council of Aberdeen.*

.....*Town Clerk.*

Entered in the register of mortgages of date.....

.....*City Chamberlain.*

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B.—MINUTE OF RENEWAL.

Aberdeen 19 .—By agreement between the parties to this mortgage payment of the sum of pounds sterling being the principal sum within mentioned is deferred until the term of nineteen hundred and to bear interest at the rate of per centum per annum.

.....*City Chamberlain.*

C.—FORM OF TRANSFER OF MORTGAGE.

I of in consideration of the sum of pounds paid to me by of (hereafter referred to as "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns the mortgage numbered granted by the lord provost magistrates and town council of the city and royal burgh of Aberdeen bearing date the day of and all my right and interest therein To hold unto the said transferee his executors administrators and assigns (or successors and assigns) subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said mortgage subject to the same conditions.

As witness our hands and seals this day of nineteen hundred and .

D.—FORM OF DISCHARGE.

Received from the lord provost magistrates and town council of the city and royal burgh of Aberdeen by the hands of the city chamberlain acting on their behalf the sum of sterling being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is herewith delivered up discharged.

Dated this day of nineteen hundred and .

.....

THE SIXTH SCHEDULE.

Properties whereof parts only may be taken.

Works for which property may be taken.	Number on deposited plans.	Description of property.
Works Nos. 3 4 5 6 and 7	124	Factory and yard.
	219	Garage store and yard.

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