

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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Cap. xii.

An Act to confirm a Provisional Order under the "General Police and Improvement (*Scotland*) Act, 1862," relating to the Burgh of *Broughty Ferry*. [29th *May* 1868.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the General Police and Improvement (*Scotland*) Act, 1862, (25 & 26 *Vict.* c. 101.,) duly made a Provisional Order, which is contained in the Schedule to this Act annexed; and it is provided by the recited Act that no such Order shall be of any Validity whatever until it has been confirmed by Parliament; and it is expedient that the said Order shall be so confirmed:

Be it therefore enacted by the Queen'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:

Provisional Order in Schedule confirmed.

1. The Provisional Order contained in the Schedule hereunto annexed shall from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been specially enacted in this Act.

SCHEDULE referred to in this Act.

BROUGHTY FERRY.

General Police and Improvement (Scotland) Act, 1862,
(25 & 26 *Vict. c.* 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, enacted, section 79, that "whenever it appears desirable to "the Magistrates and Council, or Commissioners of Police, of any Royal or "Parliamentary Burgh, or to the Commissioners for executing this Act in "any burgh or populous place, that provision should be made in order the "better to apply and execute therein the provisions of this Act in whole or "in part, or for the future application and execution of any Acts in force "therein having relation to the purposes of this Act, or to the roads or "streets within such burgh or populous place, or to any other matter or thing "connected with the management and administration of the municipal or "police affairs of such burgh or populous place, or that any such Acts, or "any exemptions from rating therefrom derived, or that any Provisional "Order or Orders in Council applying this Act hereby authorized to be "made, should be wholly or partially repealed or altered, the Magistrates "and Council or the Commissioners of any burgh, or the Magistrates and "Councils or Commissioners of contiguous burghs, as the case may be, may "present a petition to one of Her Majesty's Principal Secretaries of State "praying for such provision, repeal, and alteration as aforesaid, or for any "of such things, and such petition shall be supported by such evidence as "the said Secretary requires; and it shall be lawful for any of Her Majesty's "Principal Secretaries of State to issue a Provisional Order under his hand "and seal of office in relation to the several things mentioned in the said "petition, either in accordance with the prayer thereof, or with such modifi-"cations or alterations as may appear to him to be requisite:"

And whereas, in pursuance of the seventh section of the recited Act, the Sheriff of the County of Forfar, on petition presented to him by certain of the householders of Broughty Ferry and West Ferry, as a populous place, in terms of and as provided by said Act, fixed the boundaries of the said populous place (herein-after called the Burgh of Broughty Ferry) by interlocutor dated 4th and registered in the Sheriff Court Books of Forfarshire 22d June 1863:

And whereas there is now in force within the county of Forfar a Local Act (50 Geo. 3. c. 120.), intituled "An Act for the better regulating the statute "labour

" labour in the county of Forfar," (herein-after called " the Statute Labour Act,") in virtue of which Act the Statute Labour Roads within the limits of the said burgh of Broughty Ferry are under the management of the Trustees for the Statute Labour Roads for the said county:

And whereas a petition under the provisions of the said General Police and Improvement (Scotland) Act, 1862, has been presented to me, as one of Her Majesty's Principal Secretaries of State, by the Commissioners of Police of the said burgh of Broughty Ferry, praying the issue of a Provisional Order for the transference from the Trustees of the Statute Labour Roads in the county of Forfar to the Commissioners of Police aforesaid of all the powers and rights and jurisdictions within the said burgh of the said Statute Labour Road Trustees, and for vesting the Statute Labour Roads within the said burgh in the said Commissioners, and for authorizing said Commissioners to levy assessments for the purpose of altering, reconstructing, widening, improving, maintaining, and managing the said roads, excepting the footways thereof, and for the payment of such compensation to the said Statute Labour Road Trustees as I should think reasonable, and that the said Order may be thereafter confirmed by Act of Parliament:

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said petition:

Now, therefore, in pursuance of the powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

1. The following words and expressions in this Provisional Order shall for the purposes hereof, and of the said General Police and Improvement (Scotland) Act, 1862, and all that has followed or may hereafter follow thereon in or regarding the said Burgh of Broughty Ferry, have the several meanings hereby assigned to them; viz., " Burgh of Broughty Ferry " shall mean the area or ground included and embraced within the boundaries set forth by the said interlocutor of the Sheriff of Forfarshire dated 4th and registered in the Sheriff Court Books of Forfarshire the 22d June 1863: " Commissioners of Police and Commissioners " shall mean the Commissioners of Police of said Burgh of Broughty Ferry, acting under the said General Police and Improvement (Scotland) Act, 1862, or any other Public or Local Act or other Act in force within the burgh for the time being: " Statute Labour Road Trustees " shall mean the Trustees on the Statute Labour Roads in the county of Forfar: " Statute Labour Act " shall mean the said Act 50 Geo. 3. c. 120, intituled " An Act for better regulating the " statute labour in the county of Forfar."

2. The whole powers, rights, and jurisdictions of the said Statute Labour Road Trustees within the said Burgh of Broughty Ferry are hereby transferred to the Commissioners of Police of said burgh, and the said Commissioners of Police are hereby vested with the whole powers, rights, and jurisdictions within said burgh of said Statute Labour Road Trustees.

3. The

Broughty Ferry Provisional Order Confirmation.

3. The statute labour roads within the Burgh of Broughty Ferry shall be and the same are hereby transferred to the said Commissioners of Police, and the roads so transferred shall be and are hereby vested in the said Commissioners, in the same manner and to the same extent as the said roads were vested in the said Statute Labour Road Trustees.

4. The Commissioners shall have and may exercise all the powers and rights, and may enforce and shall be subject to all the liabilities and obligations, within the said Burgh of Broughty Ferry which before the passing of any Act confirming the present Order were conferred on or might have been exercised or enforced by or against the said Statute Labour Road Trustees under and in virtue of the said Statute Labour Act, or any other Act of Parliament, and also all the powers, rights, and obligations which are conferred on or may be exercised or enforced by or against the Commissioners with respect to the other roads or streets within the burgh.

5. From and after the passing of any Act confirming this Order all statute service and all conversion money in lieu of statute labour or other assessments leviable or payable within the burgh under the authority of the Statute Labour Act, or of any General Act relating to statute labour roads and bridges, and all powers of levying such conversion money or assessments within the burgh, shall cease and determine, except as to the recovery of arrears prior to 15th March 1868; and the said Statute Labour Road Trustees shall, from and after the date of said Act, be divested of all obligations in regard to the roads transferred by this Order.

6. From and after the passing of any Act confirming this Order it shall be lawful for the Commissioners to levy on and from the occupiers of all lands and heritages within the burgh, according to the Roll or Book of Assessment made up and completed in terms of the 91st clause of the said General Police and Improvement (Scotland) Act, 1862, or of any General or Local Police Act in force in said burgh, and in the same manner as the police assessment may be imposed and levied within the burgh, a special assessment for the period from the 15th day of March 1868 to the 15th day of May 1868 at the rate of threepence, and thereafter an annual special assessment, as from the 15th day of May in each year to the 15th day of May in the following year, at a rate not exceeding threepence in the pound of the gross yearly value of such lands or premises, for the alteration, reconstruction, widening, improvement, maintenance, and management of the roads transferred by this Order, excepting the footways thereof, and for carrying into effect the other purposes of this Order; and such assessments may be imposed and levied separately or along with and in addition to the police assessment, or any assessment which the Commissioners are or may be authorized by law to impose and levy within the burgh; and all the powers, enactments, and provisions contained in the General Police and Improvement (Scotland) Act, 1862, with respect to the levying, payment, and recovery of the police assessment, and with respect to the exemptions therefrom, shall be and

and are hereby made applicable to the levying, payment, and recovery of the assessments hereby authorized to be levied, and the exemptions therefrom, in the same manner as if the assessments hereby authorized to be levied had been authorized to be levied as a police assessment under the authority of the said General Police and Improvement (Scotland) Act, 1862.

7. The Commissioners may, on the ground of the poverty or inability to pay of any person liable in the assessments hereby authorized to be levied, remit, in whole or in part, payment of the said assessments by such person in such manner as the Commissioners shall in their discretion think just and reasonable, but upon no other account whatsoever.

8. The expenses incurred by the Commissioners and by the said Statute Labour Trustees, in connexion with the transference hereby authorized of the Statute Labour Roads within the said Burgh of Broughty Ferry, shall be paid out of the first of the assessments hereby authorized to be levied.

9. The Commissioners shall have power to borrow money on the credit of the assessments hereby authorized to be levied in the terms of Part VI., Section 2, of the said General Police and Improvement (Scotland) Act, 1862.

10. The Commissioners shall pay to the said Statute Labour Road Trustees, or to those of the said Trustees acting under the said Statute Labour Act in and for the parish of Dundee, the sum of £25 per annum, and to the said Statute Labour Road Trustees, or to those of said Trustees acting under the said Statute Labour Act in and for the parish of Monifieth, the sum of £100 per annum respectively, which sums shall be payable on the 31st day of May yearly after the passing of the Act confirming this Order, commencing the first of said payments on the 31st day of May 1868; and which sums shall be paid, with interest at five per centum per annum during the nonpayment, from and out of the assessments hereby authorized to be levied, or any other funds under the management and control of the Commissioners, and which may be lawfully applied for the maintenance of streets within the burgh, and shall be applied by the said Statute Labour Road Trustees respectively in or towards the repair, maintenance, and management of the portions of the Statute Labour Roads in the said parishes respectively situated beyond the burgh in such manner as they think fit; provided that in the event of Statute Labour Conversion Money being abolished, or ceasing to be levied in the county of Forfar, and of assessments being levied on lands and heritages or in any other manner for the maintenance and management of the roads in the said county under the provisions of any Public or Local Act of Parliament, it is hereby provided and declared that if the burgh of Broughty Ferry shall fall under and be subject to the provisions of such Public or Local Act of Parliament, the said payments by the Commissioners to the said Trustees shall, from and after the date at which such Public or Local Act comes into operation in the said county, cease and determine, and the burgh of Broughty Ferry shall be regulated by such Public or Local Act, and the assess-

ments leviable under such Public or Local Act shall be levied within said burgh under and in terms of such Public or Local Act, and the assessments hereby authorized to be levied shall also cease and determine.

Given under my hand and seal at Whitehall, this 1st day of April 1868.

GATHORNE HARDY. (L.S.)

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