SCHEDULE (B.)—PART 14.

SCHED. (B.) PART 14. Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1904; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For salaries and expenses of the Customs Department - - - - -	913,000	52,500
2.	For salaries and expenses of the Inland Revenue Department - - - - -	2,200,500	16,000
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks and Government annuities and insurances and the collection of the Post Office revenue - - - - -	10,067,500	148,300
4.	For the expenses of the Post Office packet service	786,790	191,642
5.	For salaries and working expenses of the Post Office telegraph service - - -	4,549,430	63,140
	TOTAL REVENUE DEPARTMENTS - £	18,517,220	471,582

CHAPTER 33.

An Act to amend the Law relating to the Administration of Burghs in Scotland. [14th August 1903.]

WHEREAS it is expedient to amend the law relating to the administration of burghs in Scotland:

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:

PRELIMINARY.

Short title.

1. This Act may be cited as the Burgh Police (Scotland) Act, 1903.

Application.

2. This Act shall apply to Scotland only.

Construction. 55 & 56 Vict. c. 55.

3. This Act shall be read and construed as one Act with the Burgh Police (Scotland) Act, 1892 (herein-after called the principal Act), so far as consistent with the tenor of this Act and the principal Act respectively, and this Act and the principal Act, the

56 & 57 Vict. c. 25. 1 Edw. 7. c. 24.

Burgh Police (Scotland) Act, 1893, and the Burgh Sewerage, Drainage and Water Supply (Scotland) Act, 1901, may be cited as the Burgh Police (Scotland) Acts, 1892 to 1903.

Division into Parts.

4. This Act is divided into Parts as follows:—

Part I.—(General.)
Part II.—(Adoptive.)
Part III.—(Miscellaneous and Supplemental.)

PART I.—(GENERAL.)

REGISTER OF STREETS.

Register and plan of streets.

5. The town council of every burgh shall, on or before the first day of October in the year nineteen hundred and four or as soon as conveniently may be thereafter, cause a register to be prepared of all the streets then in existence in the burgh, in which shall be entered the following particulars with regard to each street, namely:—

(1) The name:
(2) The situation by reference to numbers or other marks on the plan after mentioned:
(3) The point of commencement and termination:
(4) The width of the street and the position of the centre line:
(5) The character, whether an ordinary street, a highway under the Roads and Bridges (Scotland) Act, 1878, a lane or a court, and whether public or private or of any other character or description:
(6) Any other particulars not affecting rights of property which the town council may prescribe.

41 & 42 Vict. c. 51.

The town council shall further, on or before the date of completion of the register, cause the said streets and the centre line thereof to be marked and the area thereof coloured, upon an Ordnance Survey plan of the largest available scale or on a plan of any greater scale prescribed by them. In fixing the centre line regard may be had to the street as originally laid out and apart from subsequent alterations of the building lines.

Notice of completion of register and plan.

6. The said register and plan shall on completion be placed in the office of the town clerk or other public office of the town council, where they shall remain open for inspection at all reasonable hours by all persons interested for a period of three months from the date of the first insertion of the notice herein-after mentioned. The town council shall insert a notice, at least once a week, for three successive weeks, in one or more newspapers circulating in the burgh, intimating the completion of the register and plan and the time and place where the same may be inspected, and further intimating that any person who may be dissatisfied with any entry or marking therein or omission therefrom or with any alteration made therein by the town council upon a representation in terms of the immediately succeeding section, may, within the said period of three months, appeal to the sheriff or Court of Session, and that the said register and plan shall be deemed at the

expiry of such three months to fix conclusively the particulars referred to in the immediately preceding section (which section shall be recited at length in the notice) with regard to every street in the burgh, unless in so far as the same may be altered on appeal or otherwise under this Act. The town council shall further, within fourteen days from the date of the first insertion of the foresaid notice, cause a copy thereof to be sent by post to every owner of lands and heritages in the burgh, appearing in the valuation roll at his address as given therein.

Appeal against entries in register and plan.

7. Any person who may be aggrieved by any entry, marking or omission in the said register or plan or by any alteration made therein by the town council, upon a representation in terms of this section, may, within the said period of three months, appeal to the sheriff or to the Court of Session against the same, and the appeal court shall deal with such appeal in the manner provided by the three hundred and thirty-ninth section of the principal Act, and may, after such notice as the court may consider necessary, order any entry or marking in the said register or plan to be deleted or altered, or direct such other or further entry or marking to be made therein as the court shall think fit: Provided that, where the appeal is taken to the sheriff, either party may, within fourteen days from the date of his decision, appeal thereagainst to the Court of Session, whose decision shall be final. Where any appeal is taken or where, within the said period of three months, any representation is made to the town council with regard to any entry, marking or omission, they may make any alteration on the said register or plan which may appear to them necessary in consequence thereof.

Register and plan to be conclusive evidence.

8. The said register and plan, with any alteration or addition that may be made on appeal or representation, as aforesaid, or that may thereafter be made by virtue of this Act, shall be docqueted by the town clerk and shall, unless in so far as altered as after mentioned and subject to any right to compensation under the Burgh Police Acts, conclusively fix the character, area, centre line and other particulars, prescribed as aforesaid, of the streets therein entered. The said register and plan shall be deposited with such official as the town council may from time to time appoint, and the same or a copy thereof, docqueted as aforesaid, shall be open for inspection by any person interested, during such hours and on payment of such fee not exceeding one shilling for each inspection as the town council may from time to time fix. A copy, certified by the custodier, of any entry in the register or of any portion of the plan shall be furnished to any applicant, on payment of such fee as the town council may prescribe, and shall be received as evidence in all courts.

Alterations on register and plan.

9. In the event of any street being extended or wholly or partially closed up, or of its area being otherwise altered, or of its name being changed, or of any new street being authorised or laid out, or of any private street, lane or court being taken over as public, or of the character of any street being otherwise altered, or other change of circumstances occurring, or in the event of any error or omission being discovered, or in the event of the omission

to send notice to any owner interested, the burgh surveyor shall, and any other person having interest may, make application to the dean of guild court or, where there is no such court, to the town council, for warrant to make such alterations on or additions to the said register and plan as may be necessary in the circumstances, and the town council or dean of guild court, as the case may be, may, after such advertisement or other intimation to parties interested as they may deem proper, direct such alterations or additions to be made as they may consider just, and the same shall be made accordingly, provided that any deliverance of the town council shall be subject to appeal as before mentioned, and any deliverance of the dean of guild court shall be subject to the same appeal as is applicable to the ordinary judgments thereof. The town council may, if they see fit, by special order as defined in the principal Act, resolve that applications under this section shall be made to them and not to the dean of guild court.

Mistakes, not to affect validity.

10. The validity of the said register and plan shall not be affected by any misnomer, mistake or informality in the foresaid proceedings, or by the omission to send the foresaid notices to any owner.

OTHER PROVISIONS AS TO STREETS.

Petition for warrant to form new streets.

11. Every person who intends to form or lay out any new street, or to widen, extend or otherwise alter any street, shall present a petition for warrant to do so to the town council, and along with the same he shall lodge a plan of the street as proposed to be laid out or altered, with longitudinal and cross sections, showing the proposed centre, building and kerb lines, and also the inner lines of the footway where these differ from the building lines, showing also the levels and means of drainage, specifying the proposed material and mode of construction, and having marked upon it the names of all persons owning the street or any ground abutting thereon affected by the proposal and appearing in the valuation roll. A copy of said petition shall be served by the petitioner upon all such owners and also upon the burgh surveyor, and the town council shall within fourteen days from the presentation of the petition afford the petitioner and all other parties interested an opportunity of being heard, and shall dispose of the application as soon as possible thereafter. If it shall appear to the town council that the proposed street, or any portion thereof, or any of the details shown on the said plan, does not fulfil the conditions required by the Burgh Police Acts, or is otherwise contrary to law or to private rights, the town council may either refuse the said petition or grant the same, subject to such alterations and modifications on the plans or other lawful conditions as may be necessary in the circumstances. The dean of guild court shall not grant warrant for the erection of any buildings abutting on any new street, until warrant for the formation of such street has been granted. The plans approved of by the town council shall, except in so far as they may afterwards be altered in terms of this section by the authority of the town council, be adhered to by the applicant and by every person erecting any building abutting on the street.

In the event of no part of any new street, for which a warrant has been obtained, being formed or laid out within twelve months from the date of the warrant, the warrant shall lapse, and it shall be necessary, before the street is formed or laid out, to obtain a fresh warrant.

Council may make certain conditions.

12. Any person presenting a petition to the town council for warrant to form or lay out any new street shall fulfil any conditions which the town council may, by the warrant granting the petition, impose with regard to the following matters, viz.:—

(1) The avoidance of a cul de sac:

(2) The provision of suitable and convenient accesses to the street by cross streets, continuation of streets or otherwise:

(3) The formation of lanes (parallel to the street or otherwise) or other secondary means of access to buildings where necessary for the purpose of removing refuse:

(4) The fixing of the line, level, position and direction of the street and footways so as to make provision for the amenity of the locality, for convenient communication with other streets, for gradients suitable for traffic, for the convenient drainage of the streets and footways and of buildings fronting the same and for areas for light and ventilation: and

(5) Provision for carrying off the surface water.

Powers as to streets may be transferred to dean of guild court.

13. In burghs where there is a dean of guild court the town council may, by a majority of not less than two-thirds of those members present at a meeting specially called for the purpose, pass a resolution that in future the powers and duties of the town council, under the two immediately preceding sections, shall be transferred to the dean of guild court, and, on the passing of such resolution, the said powers and duties shall be transferred accordingly; but the town council shall at all times be entitled to appear before the said court for the public interest.

Shrubbery in centre of street.

14. The town council may plant or authorise the planting of trees or shrubs in any street, and, provided a sufficient free space at each side be left open and available for the carriageways and foot-pavements, may lay out or authorise the laying out of the centre portion of any street in shrubbery or pleasure ground, or may provide island platforms for pedestrians.

Owners to fence.

15. The owners of ground fronting or abutting upon any street shall, if called upon by the town council, cause such ground to be enclosed by a sufficient temporary fence.

Footways of private streets.

16. The owner of any lands or premises fronting on any private street shall, when required by the town council, form a footway before his property, of the breadth sanctioned by the dean of guild court or town council at the time when the street was sanctioned, or, if no such breadth has been specified, of such breadth as the town council shall direct, with kerbs, water channels and drains for carrying off surface water, and shall well and sufficiently construct and (if required) pave such footway, or any footway that may already exist, and construct such kerbs, water channels and drains, all with such material and in such manner and form as the town council may direct. The said owner shall further from time

to time maintain and keep in repair the said footway, kerbs, water channels and drains, or, if called upon, re-lay the same, all with such material and in such manner and form as the town council may direct. Provided that, if the town council require the footway or any part thereof to be paved, they shall relieve the owner of the future maintenance of such pavement. The town council may, instead of requiring the said footway to be at once paved, require the same, or such part thereof as they may specify, to be provided with kerbs, water channels and drains and laid with gravel, cinders or other similar material, and may from time to time require such material to be renewed, and may at any time thereafter require the portions so laid to be paved or laid with any other material. The obligation hereby imposed upon the said owner shall cease upon the street ceasing to be a private street; but the town council shall, notwithstanding anything done under this section, be thereafter entitled (except in the case where and to the extent to which they have required the footway to be paved as aforesaid) to put in force the provisions of sections one hundred and forty-one and one hundred and forty-two of the principal Act, or any other powers possessed by them with reference to the footways of public streets.

Footways.

17.—(1) The town council may exercise the power conferred upon them by section one hundred and forty-two of the principal Act, either with regard to all the footways of public streets in the burgh or from time to time with regard to any portion or portions thereof. The six weeks mentioned in said section shall run from the date of the notice from the town council calling upon the owners interested to have their footways put in a proper state of repair; and, where in any case, in the opinion of the town council, it is not expedient to have any footway put into such state of repair immediately after passing a resolution under the foresaid section applicable to it, they may defer issuing such notice until they consider it expedient to do so.

(2) In any case where the town council may be entitled to require the construction or repair by abutting owners of footways on any street, they shall be entitled to call upon such owners to lay down paved crossings with kerbstones and water channels, to the satisfaction of the town council, across all entries used by carriages which cross the line of said footways, and each such crossing shall be maintained by the owner or owners to whose premises it forms an access, and that (where there are two or more owners) in such proportions as the town council may fix.

(3) In cases where it is desired to take carriages across a footway maintainable by the town council into the premises of any abutting owner, the town council may require the formation and maintenance by such owner of a crossing of the description above specified, or may require such owner to maintain the portion of the footway used by such carriages to their satisfaction.

(4) Where any footway maintainable by the town council is injured by the rolling or setting down thereon of casks, boxes or other heavy articles or material by or with the authority of any owner or occupier of premises abutting thereon, or where damage

is otherwise caused to any such footway by the use thereof by or with the authority of any such owner or occupier otherwise than for ordinary foot traffic, such owner or occupier shall be liable to the town council in the expense of repairing all damage so caused, and the same may be recovered as private improvement expenses.

(5) The town council may, instead of requiring the footway of any public street to be paved under section one hundred and forty one of the principal Act, require the fronting or abutting owners to provide the same or such part thereof as the town council may specify, with kerbs, water channels and drains, and to lay the same or such part with gravel, cinders or other similar material, and may from time to time require the said owners to renew such material or to relay it with any other similar material, all in such manner and form as the town council may direct. The town council shall, notwithstanding anything done under this subsection, be entitled at any time thereafter to put in force with regard to such footway the provisions of sections one hundred and forty-one and one hundred and forty-two of the principal Act, or any other powers possessed by them with reference to the footways of streets.

Owners to maintain vaults and footway.

18. Where any footway is taken over or is maintainable by the town council, they shall not thereby incur or be under any responsibility in connexion with any vault, arch, cellar or wall thereunder, and the town council may from time to time require the owner to execute such works as they may consider necessary to maintain or strengthen any such vault, arch, cellar or wall.

Operations on streets to be recorded in register.

19. Where any operations have been executed on any street under the provisions of sections one hundred and thirty-three to one hundred and forty of the principal Act inclusive, the town council shall cause a record thereof to be inserted opposite the name of such street in the register of streets.

Notice of operations on private streets.

20. Before executing any operations under section one hundred and thirty-three or section one hundred and thirty-five of the principal Act, the town council shall intimate their intention to do so, by posting one or more handbills in the street or part of the street to be dealt with and by sending notices to all the owners of lands or heritages fronting or abutting thereon, as appearing on the valuation roll.

Private courts to be paved.

21. The town council shall be entitled to call upon the owner or owners of, or entitled to the use of, any private court or any close, passage or area (other than a bleaching green, garden or shrubbery) attached to and used in common by two or more occupiers of any tenement of dwelling-houses, to pave the same (so far as not already paved to the satisfaction of the council), and to maintain, renew and extend the pavement, all to such extent, with such material, in such manner and within such time as the town council may require, and also to make and maintain such provision for the drainage of surface water as the town council may require. In the event of more than one owner being interested in the cost of such operations, the town council shall, on the application of any owner interested, fix the proportion of cost to be

borne, by each; and, in the event of the town council, in consequence of the failure of an owner or owners to obey any requisition under this section, executing the work required, they shall be entitled to charge or apportion the expense upon or among the said owner or owners as they may deem just.

Payment of expenses in connexion with streets.

22. All expenditure incurred by the town council, under the principal Act or this Act, for or in connexion with streets and footways, other than expenditure recoverable as private improvement expenses, shall, except so far as the town council may resolve to charge the same upon the general improvement rate, be defrayed from the assessment imposed by them for the purposes of the Roads and Bridges (Scotland) Act, 1878.

41 & 42 Vict. c. 51.

BUILDINGS, SEWERS, &c.

Receptacles for rubbish.

23. If any house or part of a house, occupied by a separate family, is at any time without a sufficient fixed or moveable receptacle for rubbish, appropriated either solely to their use or to their use along with other occupants of the same tenement, the town council may serve a notice on the owner requiring him, within a period of not less than seven days to be specified in said notice, to provide such receptacle of the description and to be placed in the position specified in the notice.

Penalties for failure to provide water-closets.

24. If any requirement under the immediately preceding section or under section two hundred and forty-six, section two hundred and fifty-four or section two hundred and fifty-five of the principal Act is not complied with, the owner shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for each day during which such non-compliance continues.

Connections with substituted sewer.

25. Where the town council has resolved to abandon any sewer, vested in them and used as part of the sewage system of the burgh, and to substitute a new sewer in place thereof, they shall either connect with the new sewer the branch drains connected with the abandoned sewer, making such alterations or repairs thereon as may be necessary, or construct or lay from the new sewer new covered branch drains of such materials, of such size, at such level and with such fall as may be necessary for the drainage of houses or buildings previously drained by means of the abandoned sewer, and the expense of making such connection, alterations and repairs, or constructing and laying such new branch drains shall, except so far as the length of any new branch drain may exceed that of the formerly existing branch drain, be recoverable, from the owner of the house or building served thereby, as private improvement expenses.

Buildings for noxious trades. 60 & 61 Vict. c. 38.

26. Where, under the provisions of the Public Health (Scotland) Act, 1897, or otherwise, the sanction of the town council is required to the establishment of any business, the dean of guild court shall not grant decree of lining for the erection, alteration or enlarging of buildings with a view to the establishment of such business until satisfied that the town council have given their sanction.

Temporary occupation of street by builders.

27. The dean of guild court may permit any person erecting, taking down, altering or repairing any building, to occupy temporarily any portion of any street adjoining the same, for the purpose of depositing building materials or otherwise in connexion with his operations, and may permit staging or scaffolding to be erected projecting over the area so occupied: Provided that—

(1) Such occupation shall be only for such period, and subject to such charge for occupation and other terms and conditions, as the court shall prescribe in the decree permitting the occupation, and be subject to the provisions regarding hoardings of the principal Act and of this Act; and

(2) The person erecting such staging or scaffolding shall, in doing so, obey any orders regarding the same that the court or the burgh surveyor may issue to him.

The court may direct that the hoardings, referred to in the one hundred and eighty-seventh section of the principal Act, or any staging or scaffolding permitted under this section, shall be so constructed as to leave the footway of the street wholly or partially open for foot passengers and roofed over for the protection of such passengers.

Barricades streets.

28. The dean of guild court permitting the occupation of any portion of a street for the purpose aforesaid may, on special cause shown, grant an extension of the period originally prescribed for such occupation, and, if the person to whom such permission is granted continues such occupation after the expiration of such period, original or extended, he shall (in addition to any penalty that may be imposed on him) be liable to pay to the town council the sum of one penny per square yard occupied for every day that such unauthorised occupation continues, and such sum shall be recoverable, by motion at the instance of the burgh surveyor, in the process of lining under which the occupation was permitted.

Penalty on unauthorised occupation of street.

29. Every person who occupies any portion of a street, for the purpose aforesaid, without the sanction of the dean of guild court, or continues the said occupation beyond the period sanctioned, or contravenes the prescribed terms or conditions, or disobeys any order issued by the court or the burgh surveyor regarding any hoarding, staging or scaffolding erected in terms of the two immediately preceding sections or of the one hundred and eighty-seventh section of the principal Act, or refuses or neglects to remove any such staging or scaffolding, when directed by the court, within a time specified by the court for such removal, or commences any building operations without having provided any hoarding required in connexion therewith, shall be liable to the penalties specified in the one hundred and eighty-seventh section of the principal Act.

Advertisements on hoardings.

30. Where such hoardings, stagings or scaffoldings are erected upon the solum of the street, they shall not, without the permission of the town council, be used for advertising purposes, except by the occupiers of the premises at which they are erected with reference to their own business. Any person contravening this enactment shall be liable to a penalty not exceeding forty shillings.

Safety of roofs and platforms.

31. Every roof of a new or existing building and every platform, balcony, stand, staging or other structure or part thereof, let or used, or intended to be let or used, for the purpose of affording sitting or standing accommodation for a number of persons, shall be safely constructed and secured and provided with sufficient access and exit, all to the satisfaction of the burgh surveyor, who shall be entitled to issue such notices or requisitions with regard thereto as he shall think proper.

Any person who uses, or allows to be used, for the said purpose any such roof or structure or part thereof not so safely constructed or secured and provided with sufficient access and exit, or who neglects to comply with any notice or requisition of the burgh surveyor with regard thereto, shall be liable to a penalty not exceeding fifty pounds, and a further penalty of five pounds for each day during which such use or neglect continues, and may further be interdicted by the dean of guild court from such use until such notice or requisition is complied with.

Scaffoldings.

32. The dean of guild court shall, on the application of the burgh surveyor, have power to prohibit and stop the erection, use or employment, and to order the alteration or removal of any crane, scaffolding, staging or shoring in or connected with the construction and erection or the demolition, alteration, repair or securing of any new or existing building, or in or connected with any excavation for the purpose of any work authorised by the dean of guild court, where such crane, scaffolding, staging or shoring is, or is likely to be, in the judgment of the burgh surveyor, a source of danger.

Burgh surveyor may inspect buildings.

33. The burgh surveyor, or any inspectors appointed by him or by the town council or any men of skill appointed by the dean of guild court and exhibiting their authority, if called upon to do so, may at any reasonable time enter upon and inspect all buildings, premises or lands, upon which any operations are being executed under decree of the dean of guild court, and all public buildings, and any person who obstructs or interferes with the burgh surveyor or such inspectors or men of skill, or who refuses to give all reasonable facilities for the purpose of such inspection, shall be liable to a penalty not exceeding five pounds for each offence.

Testing strengths.

34. The burgh surveyor may apply, or cause to be applied, any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building, street, sewer or work, and the owner of such building, street, sewer or work shall, if required, provide facilities and assistance to enable him to test such quality and strength, and the determination of the burgh surveyor as to such quality and strength shall be subject to the review of the dean of guild court.

The costs of such tests and the expenses of procedure, connected therewith and consequent thereon, shall be borne by the owner of such building, street, sewer or work, and the dean of guild court may decern for such costs and expenses against such owner.

Burgh surveyor may stop infringements.

35. Wherever the burgh surveyor finds any operation in progress or work being done on or in connexion with any street

or building, contrary to the Burgh Police Acts or any byelaw thereunder, he may forthwith prohibit such operation or work for any period not exceeding one week, and may take precautions by the appointment of watchmen and otherwise to ensure that such operation or work shall not be resumed within such period; and the burgh surveyor shall forthwith bring the matter before the dean of guild court, and the dean of guild court shall be bound to hold a sitting for the disposal of the matter before the expiry of the said week, and constables of police shall be bound to render such assistance as may be required to enable the burgh surveyor to carry the provisions of this section into effect.

DEAN OF GUILD COURT.

Town council may appear before court.

36. Where the town council appear as a party before the dean of guild court, they may appear by such law agent, other than the town clerk, as they may appoint.

Form of proceedings.

37. Without prejudice to the use of any other competent form, the proceedings before the dean of guild court may be in a similar form to those in civil processes in the sheriff court, and all decrees, warrants and orders of the court may be extracted, served, intimated, endorsed and enforced both within and outside of the burgh, in the same form and manner, by the same officers and to the same effect as any decree, warrant and order issued by any sheriff court in such processes: Provided that, where it is necessary to execute any such decree, warrant or order anywhere within the county within which the burgh is situated, but outside the burgh, the same shall be endorsed by the sheriff clerk of the said county or his depute. Where expenses are found due to or by any parties to any process before the court, the same shall be taxed in accordance with the table of fees applicable to proceedings in the sheriff court, and the clerk of the dean of guild court shall act as auditor of the accounts of expenses.

Town council may prescribe rules for court.

38. The town council may, if they deem it advisable, from time to time prescribe rules for the conduct of the business of the dean of guild court and, in particular, for regulating—

(1) The dates of the meetings of the said court:
(2) The quorum necessary at such meetings:
(3) The number of days that must elapse between the presentation or service of any petition and the sitting of the court at which it is to be considered:
(4) The persons on whom any petitions or deliverances should be served:
(5) The plans to be submitted along with any application: and
(6) The duties of the clerk and other officers of court:

and may from time to time vary or alter such rules.

Power to relax certain statutory rules.

39. The dean of guild court may, upon a report in writing by the medical officer and burgh surveyor that adequate provision is made for light and ventilation and with the consent of the town council, in any special case, relax or modify to such extent and under such conditions as the court may think proper, all or any of

the provisions of the Burgh Police Acts with regard to the laying out of streets and the erection or alteration of buildings and the open space adjoining buildings, provided the court is of opinion that there are exceptional circumstances justifying such relaxation or modification.

Burgh surveyor may give warrant for minor alterations.

40. In the cases (1) of any internal alteration of the structure of a building which the burgh surveyor shall consider to be of a minor and unimportant character, and (2) of the erection of waterclosets and other offices, though proposed to be erected externally, the burgh surveyor shall, if and during such period as the dean of guild court grants him authority, have power, on written application being made to him, to grant permission to the owner to proceed with the same without further authority, and in such a case it shall not be necessary for the owner to obtain warrant therefor from the dean of guild court, but in every such case the operations shall be carried out to the satisfaction of the burgh surveyor, who shall keep a record of such applications and of the permission granted and the conditions thereof, and in each case report the same to the next meeting of the dean of guild court. In any burgh where a councillor is appointed to perform the duties and functions of a dean of guild, under section one hundred and two of the Town Councils (Scotland) Act, 1900, such councillor shall, if the town council so resolve, come in place of the burgh surveyor for the purposes of this section.

63 & 64 Vict. c. 49.

Penalties for laying out streets or erecting buildings without warrant.

41.—(1) Every person who, contrary to the provisions of the Burgh Police Acts—

(*a*) Shall lay out or form or begin to lay out or form any street or part thereof or erect or begin to erect any house or building, or make any excavation for the purpose of such formation or erection (with the exception of excavations for the laying or repair of sewers, drains, water or gas pipes or electric apparatus, or for the formation or repair of any street made by authority of the town council or burgh surveyor, and of excavations made by statutory authority) without having obtained warrant therefor from the town council or the dean of guild court, as the case may be: or

(*b*) Shall widen, extend or otherwise alter or close up any street or part thereof, or alter, add to or take down in whole or part, or re-erect or restore, after destruction by fire or otherwise, the structure of any building, or alter the structure of and use for human habitation any house or building not previously so used, or alter the mode of occupancy of any house in such a manner as to increase the number of houses or occupants, without having obtained warrant therefor from the town council, the dean of guild court or the burgh surveyor, as the case may be: or

(*c*) In carrying out any of the operations aforesaid shall deviate from the plans sanctioned by the town council or the dean of guild court, as the case may be, or contravene or fail to comply with any conditions contained in the warrant or other authority sanctioning the same:

shall be liable to a penalty not exceeding fifty pounds.

(2) Every person who, in carrying out any of the operations aforesaid shall, otherwise than as above mentioned, contravene or fail to comply with any lawful order of the town council, the dean of guild court or the burgh surveyor, as the case may be, or shall contravene or fail to comply with any of the building rules under section one hundred and seventy-seven of the principal Act, shall be liable to a penalty not exceeding twenty pounds.

(3) In case of any contravention as in this section mentioned, the town council or dean of guild court, as the case may be, may order the closing or opening up of any street or part thereof, or the closing or demolition of any building or part thereof, or the restoration of the same to its previous condition, or the execution of such work upon the same as they may judge requisite to make the same conform, or as nearly as may be conform, to the sanctioned plans and the conditions of the warrant or the building rules aforesaid.

Any such order may specify dates for the commencement and completion of the work ordered, and any person failing to commence or complete the work ordered within the period specified shall, in addition to any penalty which he may incur under the provisions of subsection one or subsection two hereof, be liable to a penalty not exceeding five pounds for each day after the respective dates so specified during which such failure shall continue.

(4) Where any such order has been made and the work has not been commenced or completed at the respective specified dates, or where the court, in pronouncing any order, authorises the town council to carry it out, the town council shall be entitled to carry out the said order, and any expense thereby incurred by them shall be recoverable as private improvement expenses.

Town council in certain burghs to have powers of dean of guild court.

42. In any burgh where there is no dean of guild court, the functions of the dean of guild court under the Burgh Police Acts shall be performed by the town council, to whom all applications required to be made to the dean of guild court shall be made. Provided that nothing herein contained shall entitle the town council to act as a court for the trial of guild offences.

Enforcement of penalties for dean of guild court offences.

43. In addition to any other competent means of recovery, the penalty for any guild offence may be recovered by poinding or arrestment, and the sentence of the court imposing the penalty may contain a warrant therefor.

PUBLIC PARKS.

Power to erect buildings in public parks.

44. The town council may, in any park, open space, pleasure ground or place of public resort or recreation vested in them or under their control,—

(1) Reclaim any waste ground:

(2) Unless prohibited by any local Act, erect pavilions, shelters, band stands or similar buildings, and give the use of the same to the public or to givers of entertainments, at such charges as they may fix, and let out any part of the same as shops, stalls or restaurants:

(3) Provide music by bands, concerts or otherwise:

(4) Set apart and lay out any reasonable portion thereof for any game, and make such charges as they may fix for persons or clubs using such portion: and

(5) Set apart any reasonable portion thereof as a children's playground and provide gymnastic or other apparatus therefor.

The town council may defray the cost of anything done under this section from any assessment applicable to the acquisition or maintenance of public parks, open spaces, pleasure grounds or places of public resort or recreation.

RATING AND BORROWING POWERS.

Fractions of a pound not to be reckoned in assessing.

45. In assessing, levying and collecting all rates and assessments imposed by the town council under any Act, any fractional part of a pound exceeding ten shillings shall be reckoned as one pound of rateable rent or value, and any fractional part less than ten shillings shall not be taken into account.

Extension of certain sections of Burgh Police Act.

46. Sections three hundred and forty-three to three hundred and forty-six inclusive, and three hundred and forty-eight to three hundred and fifty-seven inclusive, and section three hundred and seventy of the principal Act shall, notwithstanding any enactment to the contrary, be applicable to all assessments levied by the town council under statutory authority.

Extension of preliminary requirements to all borrowing.

47. The provisions of section three hundred and seventy-four of the principal Act, as to estimate, notice and disposal of any proposal to borrow, shall apply to all sums to be borrowed, whether temporarily or otherwise, by the town council of any burgh under any public general Act.

Sinking funds.

48. In providing the sinking fund applicable to the repayment of any moneys borrowed by them after the commencement of this Act under any public general Act in force at the passing of this Act, the town council may in their option either do so in the manner provided by such Act, or they may annually or semi-annually, during a period not exceeding thirty years from the date of borrowing, set apart such sum as, with the interest on any accumulations thereof, shall be sufficient to pay off the whole principal and interest of the loan within such period. In calculating the annual or semi-annual amount necessary for this purpose, the interest to be received on the accumulations of the sinking fund shall be reckoned at the rate of three per centum per annum, or at such other rate as the Secretary for Scotland may, at the date of borrowing, fix, on the application of the town council. It shall further be in the power of the town council, in the case of any loan, instead of providing a sinking fund for the repayment thereof, to agree with the lender that the annual or semi-annual sums set apart as aforesaid shall be received by him in liquidation of the principal and interest of the debt.

Power to borrow temporarily.

49. For the purpose of providing temporarily for their current expenses under any public general Act between the commencement

of any financial year and the date when any assessment for that year is received, or of providing temporarily for the payment of any expenses, which the town council of any burgh are entitled to defray from moneys borrowed under any public general Act on the security of any assessment, it shall be lawful for the town council to borrow, by way of temporary loan or overdraft from any bank, or on temporary loan on deposit receipt from any person, on the security of such assessment, such sums as they may from time to time resolve, and any amount so borrowed shall form a charge upon the assessment in respect of which it is borrowed, as the same may be specified in the resolution of the town council authorising such borrowing, pari passu with any bond or mortgage affecting the same, and it shall further be lawful for the town council to utilise, for providing temporarily for any such expenses, any sinking funds which they may have on hand, crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve: Provided that—

(1) All sums so borrowed in respect of the current expenses of any financial year shall be repaid, before the expiry of such year, out of the assessment or assessments of such year:

(2) Every other sum borrowed under the provisions of this section shall be repaid not later than six months after the expiry of the financial year in which it is borrowed: Provided that, if any such sum is repaid by means of a loan, whether on mortgage or otherwise, such loan shall be deemed to have been incurred at the date at which such sum was first temporarily borrowed, and all provisions for the repayment of such loan shall apply accordingly:

(3) In all cases the town council shall, in the annual abstract of their accounts, show separately the amount outstanding at the end of each year of any sums temporarily borrowed, and state the reason of the same being outstanding and the steps they intend to take for paying off the same.

OFFENCES AND PENALTIES.

All vehicles to carry lights.

50. Every carriage (as defined in the principal Act) drawn by animal power, which shall be driven or be upon any street during the period between one hour after sunset and one hour before sunrise, shall be provided with a lamp or lamps, which shall be constructed and placed so as to exhibit a white light, visible within a reasonable distance in the direction in which the carriage proceeds or is intended to proceed and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage: Provided that, where one lamp only is so carried, it shall be, or, where more than one lamp is so carried, one of such lamps shall be, attached to the extreme off or right side of the carriage: Provided also that any carriage used for the purpose of carrying timber, whether rough or sawn, or for the purpose of carrying any pole, board, wooden or metal bar, rail, girder, boiler, structure or implement or other similar load, which shall project more than six feet beyond the rear of the carriage, shall, in addition to the above-mentioned white light, carry, attached

to such carriage, or to such timber, pole, board, wooden or metal bar, rail, girder, boiler, structure or implement or other similar load, a lamp or lamps, which shall be so constructed and placed, and so lighted and kept lighted, as to exhibit a red light visible within a reasonable distance to persons overtaking such carriage, and to show the extent to which the timber, pole, board, wooden or metal bar, rail, girder, boiler, structure or implement or other similar load projects behind the carriage.

Any person who shall cause or permit any carriage, not provided with a lamp or lamps in accordance with this section, to be driven or to be upon any street, during the period aforesaid, shall be liable to a penalty not exceeding forty shillings, and the driver or other person in charge of any carriage provided with a lamp or lamps in accordance with this section, who shall drive such carriage or cause or suffer the same to be driven or to be upon any street during the period aforesaid, shall, if such lamp or lamps be not duly placed, lighted and kept lighted in the manner and during the period by this section required, be liable to a penalty not exceeding forty shillings.

Every existing power to make byelaws, requiring vehicles drawn by animal power to be provided with lamps, and every byelaw made thereunder shall, so far as such power or byelaw applies to a burgh to which this section is applicable or by which this section shall have been adopted, be repealed and rescinded.

Prohibition of betting in streets.

51. If any person who conducts business of any kind in lotteries, betting or gaming, shall in any street engage in lotteries, betting or gaming, or do any act for the purpose of inducing or enabling any other person to engage in any lottery, betting or gaming, he shall be liable to a penalty not exceeding ten pounds for the first offence, twenty pounds for the second and fifty pounds for any subsequent offence within the burgh. In the case of any second or subsequent offence, the offender may be sentenced to a period of imprisonment not exceeding sixty days, without the option of a fine. Any constable may take into custody, without warrant, any person who shall commit an offence under this section in view or hearing of such constable. In this section the expression "street" includes any common stair.

Penalty on allowing loose paper to lie on streets.

52. Every person who—

(1) Being a bill poster or an employee of such person affixes or causes to be affixed to any building or hoarding any bill or advertisement, unless the same is fastened in such a manner as to reasonably provide against its being torn, blown or washed off by the action of the weather, or, after removing any bill or advertisement or part thereof, throws down or places and leaves the same upon any street: or

(2) Being a shopkeeper or other retail tradesman, or an employee of such person habitually engaged in delivering goods, throws down or places and leaves, upon any street, any paper or other similar article used or intended to be used for the wrapping of goods,

shall be liable to a penalty not exceeding forty shillings for each offence.

Prevention of unnecessary noises during illness.

53. It shall not be lawful for any person in any common stair, passage or back court within the burgh, in which a notice signed by a duly qualified medical practitioner has been posted in a conspicuous position intimating the existence of serious illness, to make any unnecessary noise which might be hurtful to any person suffering from such serious illness in any dwelling-house entering therefrom.

Manufacture and sale of ice cream.

54.—(1) Any person being a manufacturer of or merchant or dealer in ice cream or other similar commodity, who within the burgh—

(*a*) Causes or permits ice cream or other similar commodity to be manufactured, sold or stored in any cellar or room in which there is an inlet or opening to a drain; or

(*b*) In the manufacture, sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination, or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building, any part of which is used for the manufacture of ice cream or similar commodity, suffering from any infectious disease, the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building, and the council shall compensate the owner of the ice cream, commodity or materials so destroyed.

MISCELLANEOUS.

Power to oppose Bills and Provisional Orders.

52 & 53 Vict. c. 50.

62 & 63 Vict. c. 47.

55. Without prejudice to any powers possessed by them under the existing law the town council of a burgh shall, subject to the like conditions, have the like powers of opposing Bills or Provisional Orders as are conferred upon county councils by section fifty-six of the Local Government (Scotland) Act, 1889, as read with the Private Legislation Procedure (Scotland) Act, 1899, and any expenses incurred by them in any year in the exercise of the last-mentioned powers may be defrayed, in whole or in part, from any assessment or from any two or more separate assessments, levied by them in such year or in the following year, all as the town council may determine. Provided that any ratepayer, who is entitled to an exemption from any assessment leviable by the town council, may appeal to the Secretary for Scotland against any such determination, and his decision shall be final. Provided further—

(1) That any such appeal shall be made within fourteen days from the publication or advertisement, in manner provided by section three hundred and forty of the principal Act or otherwise of the assessment appealed against; and

(2) That in the event of any such appeal being sustained, in whole or in part, and any such assessment being quashed or varied, it shall be competent to the town council, notwithstanding anything in the principal Act or any other Act contained, to forthwith rectify and readjust, in accordance with the decision of the Secretary of Scotland, the assessment so quashed or varied.

Power to appoint depute officers.

56. The town council of any burgh may appoint one or more depute burgh prosecutors, public analysts, burgh surveyors, treasurers and collectors, possessing the same qualifications as are necessary for the principal officers, to act in the absence or illness of any such officers, and, in case of vacancies, may make interim appointments, and persons so appointed shall, during such absence or illness or during vacancies as aforesaid, have the same powers and duties as such officers.

Compensation for land to be settled by single arbiter.

57. In all cases of disputed compensation under this Act or any other public general Act whereby the town council of any burgh is entitled to acquire land compulsorily under the Lands Clauses Acts, or whereby any compensation payable by a town council falls to be determined under the last-mentioned Acts, it shall, unless both parties concur in the appointment of a single arbiter in terms of such Acts, be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid, and it shall not be competent thereafter to have the same determined by arbiters, oversman, sheriff or jury acting under the said last-mentioned Acts. The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts, and the provisions of the said Acts with regard to arbitration shall apply accordingly, and the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final. The remuneration of the said arbiter shall, failing agreement, be fixed by the Secretary for Scotland. The expression "land" in this section includes water and any right or servitude to or over land or water. Provided that this section shall not apply in any case where the public general Act, authorising the acquisition of land or determining the compensation aforesaid, makes special provision for the appointment of a single arbiter.

Limitation of obligations of factors.

58. Any factor, agent or commissioner, within the meaning of subsection twenty-two of section four of the principal Act, responsible as such for carrying out and implementing the obligations imposed by the Burgh Police Acts upon any owner and for payment of any penalties imposed by or expenses incurred under said Acts, shall be liable to the extent only of the funds, rents and other assets, belonging or payable to such owner, which may be in or may come into his hands or control, and in the event of such factor, agent or commissioner paying or becoming liable for any sums of money in implementing such obligations and paying such penalties or expenses, he shall have a right and claim

for relief against such owner for any sums so paid or expenses incurred by him. Provided that any notice given to such factor, agent or commissioner, by or at the instance of the town council in respect of any lands or premises, shall be effective against the owner or any new factor, agent or commissioner appointed by him, and any action raised against such factor, agent or commissioner may, on the motion of the town council, be transferred against the owner or any new factor, agent or commissioner appointed by such owner. Provided further that nothing herein contained shall affect the liability of any factor, agent, or commissioner in respect of his personal delict.

Byelaws for commons, &c. beyond burgh boundaries.

59. Where any common, links, bleaching green, recreation ground, park, open area or space or other place of public resort or recreation is situated partly within and partly outside of any burgh, the town council may exercise, with regard to the whole area of the same, the same powers of making byelaws as are possessed by them with regard to any such places so far as within the burgh, provided that such byelaws shall not have effect in the portion thereof situated out of the burgh, without the consent of the county council or town council, as the case may be, of the county or burgh within which such portion is situated.

The powers conferred on the magistrates by section two hundred and seventy-five of the principal Act with regard to golf caddies may, with the consent of the county council or town council as aforesaid, be exercised over the whole area of any golf links situated partly within and partly outside of any burgh.

PART II.—ADOPTIVE.

Supplementary valuation roll. 17 & 18 Vict. c. 91.

60. The county council and magistrates of burghs respectively acting under the Lands Valuation (Scotland) Act, 1854, in addition to the ordinary valuation roll made up under the said Act as at fifteenth August in each year, shall between the first day of January and the first day of March in each year, if the town council so resolve before the said first day of January, cause to be made up by the assessor under the said Act a supplementary valuation roll, showing the yearly rent or value and other particulars, as in the ordinary valuation roll of all lands and heritages that may have come into existence or occupancy within any burgh after the completion of the ordinary valuation roll last made up, and also including a column stating the respective dates when such lands and heritages came into existence or occupancy, but excluding any column such as mentioned in section nine of the Representation of the People Act, 1884; and all statutory provisions applicable to the principal valuation roll shall, mutatis mutandis, be applicable to the said supplementary roll, and the town council shall be entitled to impose supplementary assessments in respect of all lands and heritages in such supplementary roll, proportionate to the respective periods between the dates so stated and the term of Whitsunday next following, for all purposes for which the town council may be entitled to assess, which supplementary assessments

48 & 49 Vict. c. 3.

shall be made, so far as possible, in the same manner, under the same conditions and with the same powers of recovery as are applicable to the corresponding assessments for the whole year. All expenses incurred by a county council in giving effect to the provisions of this section in any burgh shall be requisitioned for and paid in terms of section sixty-six of the Local Government (Scotland) Act, 1889.

52 & 53 Vict. c. 50.

STREETS AND BUILDINGS.

Width of streets and height of buildings.

61. Section one hundred and fifty-two of the principal Act shall be repealed and in place thereof the following section shall have effect:—

(1) It shall not be lawful to form or lay out any new street or part thereof or court within the burgh, unless the same shall (measuring from the centre of the front wall of the building or intended buildings therein at the level of the surface of such street) be at least sixty feet wide and unless a space of at least forty feet shall be set apart for carriageway and footways, and no dwelling-house or houses shall be built in any such street or court which shall exceed in height, from the level of the surface of the street or court to the ceiling of the highest habitable room, one and a quarter times the width of such street, measuring from the front wall of the buildings or intended buildings on each side thereof: Provided always that, where any road or street fronts any links or common or other open area, or in other exceptional circumstances, the town council may allow buildings of greater height:

(2) For the purposes of this section a street shall not include a mews or other lane, which may be made fifteen feet wide or of such other width as may, according to the use to be made thereof, be approved of by the town council: Provided that no dwelling-house or houses to be built fronting a lane shall exceed in height one and a half times the width of the lane:

(3) Where a building abuts on two streets or courts of different widths or levels, the height shall be measured from the street or court which lies on the higher level, and shall be regulated by the width of the wider of such streets or courts to a distance of fifty feet along the narrower street or court from the point of junction:

(4) The area between the said space for carriageway and footways and the building line may be occupied by fences not exceeding six feet in height above the street level, or by outside door-porches or door-steps of such height and breadth as shall be approved of by the town council, or by trees or shrubbery, but with these exceptions shall not be occupied by any erection above the street level:

(5) Where any ground, whether belonging to one or to more than one proprietor, abuts on an existing street and is, for a continuous distance of two hundred yards or upwards along the street, either unbuilt upon within a line parallel to and running at a distance of thirty feet from the centre line of the street, or not occupied within the said thirty foot line by buildings of a

greater height than fifteen feet, it shall not be lawful to erect any new building thereon within the said thirty foot line: Provided that this subsection shall not apply to any existing street which has been formed or laid out under the provisions of the Burgh Police Acts or any Act thereby repealed:

(6) Where the council of a burgh adopting this section inserts, in the resolution by special order adopting it, a proviso that the words "sixty feet," occurring in subsection one, shall be altered by the substitution therefor of any number of feet, specified in the resolution, not being less than forty and not exceeding sixty feet, and that the words "thirty feet" in subsection five shall be altered as nearly as may be in proportion; and also that the words "forty feet" in subsection one shall be altered by the substitution therefor of any number of feet, specified in the resolution, not being less than thirty-six and not exceeding forty feet, this section upon adoption shall, in its application to such burgh, be read and construed accordingly as subject to such proviso.

Corners of streets.

62. The dean of guild court, on the application of the town council, may require the owner of any new building, proposed to be erected at the junction of two streets, to round off the corner of such building, either to the height of the first storey or to the full height of the building or to such extent otherwise as the said court may determine, and for any loss, which may be sustained through the exercise of the powers by this section conferred, the town council shall make compensation to the owner of such building, to be assessed, in case of dispute, by arbitration under the Lands Clauses Acts. The said compensation shall be defrayed from the same source as the expenditure referred to in the section of this Act, whereof the marginal note is "Payment of expenses in connection with streets."

Area to be attached dwelling-houses.

63. Section one hundred and seventy of the principal Act shall be repealed and, in place thereof, the following section shall have effect:—

Every new building intended to be used in whole or part as a dwelling-house or houses, and every building not previously so used when the same is altered for the purpose of being so used, shall (subject as herein-after provided) have immediately adjoining it, on the further side of the building from that fronting the street on which it abuts, an open space for light and ventilation, equal in breadth at the narrowest part to the height of the building (measured from the floor of the lowest room to be occupied as a dwelling-house or part thereof to where the roof of the building rests upon the wall) and extending along the whole length of the side of the building which such space subtends. The said space may consist in whole or part either of—

(*a*) A public street, lane or court;

(*b*) A private street, lane or court or other vacant space, over which a servitude exists, in favour of the ground occupied by the proposed new building or building altered as aforesaid, entitling the owner thereof to insist that it shall be always

kept open and unbuilt upon, except as regards the conveniences after mentioned;

(*c*) Ground belonging to the owner of the said building which he undertakes to keep vacant, except as regards such conveniences; or of

(*d*) Ground which, in the opinion of the dean of guild court, is not likely to be built on in such a manner as to exclude or restrict light and ventilation:

No buildings of any kind shall be erected upon the said open space, above the level of the floor of the lowest room to be occupied as a dwelling-house or part thereof, other than the sloping roof of any saloon used for business premises situated below the level of the said floor, or other than the waterclosets, privies, ashpits, coal-houses, washing-houses or other similar conveniences attached to dwelling-houses which conveniences shall not exceed fifteen feet in height above the ground, and shall be limited to such extent of area and placed in such position as the dean of guild court may determine, so as to interfere as little as possible with the light and ventilation of the dwelling-houses adjoining the said open space: Provided that—

(1) In the case of any building or part of a building situated within sixty feet of the junction of the building lines of any two streets or courts, the provisions of this section shall be modified to such extent as shall, in the opinion of the dean of guild court, be necessary to permit the corner stance to be built upon:

(2) In the case of any new building erected on the site of any building used, at the date when this section comes into force, in whole or part as a dwelling-house or houses, the provisions of this section shall be subject to the modification that, where the said new building does not exceed the limits of the old building as regards height, breadth and length, and the open space in rear of it is, at the said date, less than or of a different character from that required by this section, the owner shall not be required to provide additional open space:

(3) In the event of any one or more flats in any building ceasing to be occupied as dwelling-houses, the owner of the open space adjoining such building may (if otherwise entitled to do so and if building upon the same will not interfere with the open space required for any other building) build upon the said open space, up to the level of the floor of the lowest flat still occupied in whole or part as a dwelling-house, but the part of the building below such level shall not be again used as a dwelling-house except upon removal of such additional buildings.

Space in front of sleeping apartments.

64. It shall not be lawful for any owner to let as a sleeping apartment, or for any person to hire, use or suffer to be used as a sleeping apartment, any room unless there be in front of at least one-half of every window of such room an open space, beyond any obstruction or impediment from overhanging balconies, of a breadth equal to at least three-fourths of the height of the wall in which

the window is placed, measuring such space in a straight line from and at right angles to the plane of the window, and measuring such wall from the floor of the room to where the roof of the building rests upon such wall: Provided that—

(1) This enactment shall not be held to be contravened in the case of any room having two or more windows, one of which contains the area of glass required by the one hundred and seventy-third section of the principal Act and has, in front of at least one-half thereof, an open space as above specified:

(2) Where any room, at or prior to the adoption of this section used as a sleeping apartment, is wholly or partly below the level of the street or other open ground which its window faces, the open space required by this section, so far as below the said level, need not be of greater width than the distance from the surface of the floor to the said level:

(3) Notwithstanding that any room used as a sleeping apartment in any existing building does not comply with this section, it may for the period of two years, from the date when this section comes into force, continue to be so used, and the town council may on the application of the owner, and after a report by the medical officer and burgh surveyor as to the fitness of the room for use as a sleeping apartment, pass a resolution extending the said period to such date as they may fix. The owner may appeal against any refusal or delay for more than a month to pass such resolution in terms of section three hundred and thirty-nine of the principal Act:

(4) This section shall not apply to any room, at or prior to the adoption thereof, legally used as a sleeping apartment and contained in any building erected since the commencement within the burgh of the principal Act and in conformity with the provisions of that Act.

Any person contravening this enactment shall be liable to a penalty not exceeding five shillings for each room for every day or part of a day during which such room is used in contravention thereof.

Bed-recesses.

65. It shall not be lawful in any dwelling-house to make any new enclosed bed or bed recess which is not open in front for three-fourths of its length and from floor to ceiling (with the exception only of carrying-beams). No building which contains any enclosed bed or bed recess shall be altered so as to increase the number of dwelling-houses or occupiers in such building, unless all such enclosed beds and bed recesses therein are opened up to the extent foresaid.

Cubic space in dwellings.

66. No dwelling-house shall hereafter be erected, provided or constructed in any new or existing building, and no dwelling-house shall be altered so as to be (exclusive of any lobbies, closets, presses and recesses) of less than the dimensions following, viz.:—

Dwelling-houses of one apartment, 1,000 cubic feet:

Dwelling-houses of two apartments, 1,600 cubic feet:

Dwelling-houses of three apartments, 2,400 cubic feet:

Provided that—

(1) The provisions of this section shall not prevent the restoration, according to the original plan, of dwelling-houses destroyed by fire, unless the building is destroyed or taken down to within fifteen feet of the level of the street:

(2) Where it is proposed to alter an existing dwelling-house so as to increase its dimensions, it shall be in the power of the town council to permit said alteration, though the increase may not be sufficient to bring the dimensions up to the above scale:

(3) This section shall not apply to the erection, provision, construction or alteration of any dwelling-house in accordance with any warrant of the dean of guild court, granted before the date when this section comes into force.

The word "recess," in this section and in the section immediately following, shall mean and include any recess having no separate window, which is not open from front to back, from floor to ceiling and from side to side and is not free from fixtures.

Ticketing of cubic space.

67. Any person appointed in writing by the town council may, at any reasonable time, enter any dwelling-house which consists of not more than three apartments for the purpose of measuring, in cubic feet, the space contained therein (exclusive of lobbies, closets, presses and recesses), and, if the cubic contents thereof do not exceed two thousand four hundred feet, may, in such position and style as the town council see fit, mark thereon or affix thereto a ticket on which are marked the number of such cubic feet and the number of persons exceeding the age of ten years who, without a breach of the provisions of this section, may sleep therein, reckoning one such person for every four hundred cubic feet; and any person who obliterates, defaces, removes or alters such marking or ticket shall be liable to a penalty not exceeding ten shillings.

Penalty on overcrowding.

68. If any dwelling-house is used for the purpose of sleeping therein by a number of persons greater than is marked or ticketed thereon, in pursuance of the provisions of the immediately preceding section, (every two persons of less than ten years of age being reckoned as one person exceeding the said age) every person so using the said dwelling-house, or suffering the said dwelling-house to be so used, shall be liable to a penalty not exceeding twenty shillings for every day or part of a day during which it is so used or suffered to be used, and any persons authorised in writing by the town council and exhibiting their authority, if called upon to do so, may at any time enter any dwelling-house marked or ticketed as aforesaid, if they believe that the provisions of the said section are being contravened.

HOLLOW SQUARES.

Provisions for openings in hollow squares.

69. The expression "hollow square," in the sections of this Act under the heading "Hollow Squares," shall mean and include any square, parallelogram, triangle, polygon, circle or other regular or

irregular figure of ground of a less superficial area than one acre, bounded on all sides by one or more streets in such a manner as to permit of buildings being erected on it round its margin, so as entirely to enclose the interior space.

Where a petition is presented for a warrant to form or lay out a new street so as to enclose, in conjunction with then existing streets, or with other new streets then proposed to be formed, or that may thereafter be formed, a hollow square, the town council, before sanctioning such street, shall require the owners of the ground forming the hollow square to provide spaces or openings fifteen feet wide through the hollow square from street to street for the purpose of through ventilation and, if the owners fail to submit on a plan a suitable position for such spaces or openings, the town council shall fix the same: Provided that, where in consequence of one or more sides of any hollow square having, before the date of the application for sanction of such new street, been already wholly or partially built upon, it may be impossible, without removal of buildings, to provide suitable spaces of the foregoing description going through from street to street, the town council may accept one or more spaces or openings of the aforesaid size and in such position or positions as they may fix in any part of the said hollow square in lieu of the above requirements. Any spaces or openings provided under this section shall remain open and unbuilt upon from the height of fifteen feet upwards.

Compensation for ground taken.

70. Where the ground composing any hollow square belongs to different owners, the owner of any ground which may be set apart for the aforesaid spaces or openings shall be entitled to be paid, by the whole owners of the hollow square, compensation in respect of the ground so set apart, and the said compensation shall, failing agreement, be fixed by a valuator to be appointed by the sheriff on the application of any owner interested. In fixing the said compensation the valuator shall take into consideration—

(1) The use which the owner of the ground set apart and the other owners of the hollow square may make of the open space up to the height of fifteen feet;

(2) Any injury which the setting apart of the said ground may occasion to the remaining property of the owner thereof;

(3) Any improvement which the existence of the said open space may cause to the claimant's property, either by itself or in common with the other properties in the hollow square;

and the valuator shall further apportion the said compensation among the whole owners liable, including the claimant, in proportion to the area of their respective properties or in any other proportion that he may consider just. The expenses attending the said valuation, including the valuator's fee, as the same may be fixed by the sheriff, shall be paid by the owners liable to pay such compensation in such proportions as the valuator may fix.

Compensation to form a charge on property.

71. The portion of the compensation and expenses, referred to in the preceding section, allocated upon each of the owners in the hollow square shall, in terms of this section, form a charge upon the

property in respect of which it is allocated preferable to any feu-duty, ground annual, heritable security or other burden thereon, and, on production of the valuator's report, the sheriff shall grant a decree for the amount thereof and for the expense of obtaining and extracting the said decree against the owner liable, including a declarator that the same forms a charge upon the property in question, and, on an extract of the said decree being recorded in the appropriate Register of Sasines, the amount contained therein, with interest thereon at the rate of four per centum per annum from the date thereof, shall form a real lien and burden preferable as aforesaid upon the said property. The keeper of the said Register shall be bound to receive and register such extract decree.

Buildings in hollow squares.

72. Where an application is made to the dean of guild court to sanction the erection of buildings fronting any street enclosing along with other streets, then existing or which may be thereafter formed or laid out a hollow square, the court shall, before sanctioning such erection, require the provision (so far as not already provided) by the owners of the ground forming the hollow square of spaces or openings, of the nature specified in the three immediately preceding sections, and the provisions of the said preceding sections shall apply thereto.

through existing buildings.

73. It shall not be competent for the town council or the dean of guild court to require any of the spaces or openings for through ventilation, referred to in the four preceding sections, to be formed through or over any ground already occupied by buildings of more than fifteen feet in height, but, where it appears to the town council expedient to acquire, for the formation of such spaces or openings for through ventilation, any ground occupied by such buildings, they shall have power to acquire such ground and the buildings thereon and, failing agreement with the owner, shall be entitled to put in force, with regard to the said ground and buildings, the powers contained in the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

Formation by town council of openings.

74. Upon acquisition of the ground referred to in the immediately preceding section, the town council shall remove the buildings thereon or so much thereof as shall be necessary to make the said spaces or openings for through ventilation, and shall be entitled to recover from the whole owners of the hollow square the value of the ground necessary for the formation of such spaces or openings, in manner provided in the section of this Act whereof the marginal note is "Compensation for ground taken," together with the expenses of the acquisition and valuation; but the valuator shall not be entitled to charge the said owners with any portion of the value of the buildings acquired and shall value the ground as if the same had, when so acquired, been open and unbuilt upon. The portion of the cost of acquisition and expenses allocated on each owner under this section shall form a charge, in terms of the section of this Act whereof the marginal note is "Compensation to form a charge on property," and the provisions of that section shall apply thereto.

75. The town council may erect such buildings as they consider proper upon any ground so acquired, but, as regards the ground required for the said spaces or openings, the said buildings shall not exceed fifteen feet in height, and the town council may sell any ground so acquired, subject to the same restriction. Erection of buildings by town council.

SKY-SIGNS.

76.—(1) It shall not be lawful to erect or fix to, upon or in connexion with any building in the burgh any sky-sign, and it shall not be lawful to retain any existing sky-sign, so erected or fixed, for a longer period than three years after the date when this section comes into force, nor during that period except with the licence of the town council, and, in the event of such licence being granted, then only for such period not exceeding three years from the said date and under and subject to such terms and conditions as shall be therein prescribed: Sky-signs.

Provided that in any of the following cases a licence of the town council under this sub-section shall become void, namely:—

(i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the burgh surveyor:

(ii) If any change be made in the sky-sign or any part thereof:

(iii) If the sky-sign or any part thereof fall either through accident, decay or any other cause:

(iv) If any addition or alteration be made to or in the building on, over or to which any sky-sign is placed or attached, if such addition or alteration involves the disturbance of the sky-sign or any part thereof:

(v) If the building, over, on or to which the sky-sign is placed or attached, become unoccupied or be demolished or destroyed:

Provided also that, if any sky-sign be erected or maintained contrary to the provisions of this section or after the licence for the erection, maintenance or retention thereof for any period shall have expired or become void, it shall be lawful for the town council to order the owner of the sky-sign to take down and remove it within a specified time and, in the event of his failing to do so, to authorise the burgh surveyor to remove it, and the expense of the removal and of the proceedings with reference thereto shall be paid by the owner of the sky-sign and may be recovered in any competent court.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval, licence or consent, under this section, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

The expression "sky-sign" shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard, framework or other support, wholly or in part upon, over or above any building, which, or any part of which, sky-sign shall be visible against the sky from some point

in any street or public way and includes all and every part of any such post, pole, standard, framework or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on, over or above any building, or on or over any street or public way, but shall not include—

(*a*) Any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(*b*) Any sign or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof: Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall or parapet or ridge to, against or on which it is fixed or supported;

(*c*) Any word, letter, model, sign, device or representation, as aforesaid, relating exclusively to the business of a railway company and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place.

ADVERTISING SITES.

Licences for advertising sites.

77.—(1) It shall not be lawful to erect any hoarding or similar structure of more than twelve feet in height, to be used wholly or partly for advertising purposes, or to use for advertising purposes any such hoarding or similar structure without the consent of the town council, which consent may, as regards such use, be revoked at any time not less than a year from its date. Provided that any person aggrieved by the refusal or delay for one month after application to grant such consent, or by any revocation thereof, may appeal in terms of section three hundred and thirty-nine of the principal Act.

(2) If any hoarding or other similar structure or any advertisement be erected, retained or continued, contrary to the provisions of this section, the town council may require the owner or occupier of the ground, hoarding or structure, upon which the same is placed or rests, to take down or remove such hoarding, structure or advertisement within a specified time, and, in the event of his failing so to do, the dean of guild court may, on the application of the burgh surveyor, grant warrant to and authorise the burgh surveyor to take down and remove the same at the cost of such owner or occupier, which cost, and the expenses of any proceedings with reference thereto, may be recovered from such owner or occupier in any competent court, or may be imposed on the owner as private improvement expenses, without prejudice to the right of recourse of such owner or occupier against the person responsible for the erection, retention or continuance of such advertisement. Provided always that any such order or proceedings shall not relieve such

owner or occupier from any penalty, for contravention of or failure to comply with the provisions of this Act, which such owner or occupier may have incurred or become liable for.

(3) The word "structure" in this section shall include any moveable structure (except a board or boards personally carried not exceeding in size four feet by two and a half feet) used primarily as an advertisement or an advertising medium.

Hoardings, &c. for advertising sites to be sanctioned by dean of guild court.

78.—(1) In any application to the dean of guild court for warrant for the erection or alteration of any hoarding or structure exceeding twelve feet in height, to be used either wholly or partly for advertising purposes, upon any land or heritage, the dean of guild court shall require evidence either that such hoarding or structure does not require the consent of the town council or that the town council have granted their consent therefor as provided in this Act. The dean of guild court if desired by the applicant, and subject to such conditions as the said court may prescribe, may remit to the burgh surveyor to examine any such application and relative plans, with power to the burgh surveyor on being satisfied therewith to grant authority for the erection of such hoarding or structure, with such modifications and under such conditions, if any, as he may think proper, which authority shall have the same effect in all respects as if a decree had been granted by the dean of guild court, and, in the event of the burgh surveyor refusing to grant such authority, the applicant may appeal to the dean of guild court.

(2) Every owner of and every person using any hoarding or structure for advertising purposes, whether erected before or after the date when this section comes into force, shall keep and maintain the same at all times in proper and safe condition and repair and securely fixed or erected, to the satisfaction of the burgh surveyor, and the dean of guild court may at any time, on the application of the burgh surveyor, pronounce such order, upon the owner of or person using such hoarding or structure, as in the opinion of the dean of guild court may be necessary to render the same secure, or may order such owner or person to remove the same. In the event of such order not being, within a period to be specified therein, implemented to his satisfaction, the dean of guild court may authorise the burgh surveyor to take such steps as the dean of guild court may direct for such purpose or, in case of urgency, to remove the said hoarding or structure, or at the cost of the owner or person using the same. Any proceedings under this section and any order to be pronounced therein may be taken or directed against either the owner of or the person using such hoarding or structure, or both of them.

SEASHORE ADJOINING BURGH.

Further powers relating to the foreshore of burgh.

79.—(1) The powers of the town council under section three hundred and three of the principal Act, relating to seashore and strand within a burgh, shall, subject as therein mentioned, extend to the erection of retaining walls or embankments for the purpose

of protecting land from the sea and to the levelling up of the land enclosed by such walls or embankments. Provided that the consent required by the said section shall, as regards any seashore or strand under the management of the Commissioners of Woods, be deemed to include the consent of such Commissioners.

(2) Subject to the rights of the Crown and without prejudice to any existing right of property, no person who does not possess or who fails to exhibit, to any constable or officer of the town council requiring him so to do, a written authority from a proprietor or other person having right to grant the same shall, without the consent of the town council, remove sand or gravel from the foreshore ex adverso of any burgh bounded by the sea, below high-water mark of spring-tide or within fifty yards above said high-water mark. Any person offending against this section shall be liable to a penalty not exceeding forty shillings for each offence.

THEATRES AND PLACES OF PUBLIC RESORT.

Byelaws for theatres and other places of amusement.

80. Section three hundred and ninety-nine of the principal Act shall be repealed and in place thereof the following section shall have effect:—

The town council may from time to time make byelaws for the due licensing of theatres and other places of public amusement and of public billiard and bagatelle rooms, where such rooms are not in premises licensed as an inn and hotel, and such byelaws may provide for the safety and comfort of the public and for the suppression of riotous or disorderly conduct and shall specify the days of the week during which the licence holder shall be entitled to carry on business and the hours of opening and closing, such days and hours not being more restricted than in the case of licensed public houses within the burgh. Such byelaws may provide that any such licence holder contravening the same shall be liable to a penalty not exceeding ten pounds, in addition to any other penalty he may incur under the Burgh Police Acts, and shall in other respects be subject to the same conditions and provisions as byelaws made by the town council under the principal Act or any local Police Act, as the case may be. Section four hundred of the principal Act shall be read and construed as if byelaws made under this section were byelaws and as if the rooms in this section mentioned were places referred to therein.

Billiard rooms, &c. to be licensed.

81. Every person who shall, except in premises duly licensed as an inn and hotel, keep or use or suffer to be kept or used any building or part of a building, for the purpose of public billiard or bagatelle playing, or shall keep a public billiard table or bagatelle board, without having obtained a licence under the immediately preceding section, and every person who has obtained such licence who shall not, during the continuance thereof, intimate the possession of such licence by notice, legibly printed in a conspicuous place on or near the door or on the outside of the

building specified in the licence, shall be liable to a penalty not exceeding five pounds and, in the event of such house or building being continued to be kept or used in contravention of this section after conviction, to a daily penalty of twenty shillings: Provided always that such licences, for each of which a fee shall be payable, not exceeding five shillings, for each billiard or bagatelle table mentioned therein, shall continue in force, in the case of the first licence granted to any person, in each case for any period not exceeding one year and, in the case of subsequent licences, for a year, unless the same be in the meantime cancelled or suspended by the magistrates: Provided further that any person aggrieved by the refusal of, or delay for a period of two months in granting, any such licence may appeal to the sheriff, who may, if he considers that the licence has been unreasonably refused or withheld, grant the same.

Ice-cream shops, &c. to be registered.

82.—(1) Every person who shall keep or suffer to be kept or used or use any house, building, part of a building or other premises as an ice-cream shop or aerated water shop, without being registered in a register to be kept by the town council, who are hereby required to keep a register for that purpose, in which they shall enter the names of applicants without charge, shall be liable to a penalty not exceeding five pounds and, in the event of such premises being continued to be kept or used for such purpose after conviction, to a continuing penalty not exceeding five pounds for every day during which the offence is committed or continued.

(2) Section three hundred and sixteen of the principal Act shall be deemed to confer power on the town council to make byelaws in regard to the hours of opening and closing of premises registered under this section, the hours for business not being more restricted than fifteen hours daily, and the provisions of the principal Act relating to byelaws and the confirmation and enforcement thereof shall apply accordingly.

(3) The town council may at any time authorise the inspection of any house, building, part of a building or other premises used or suspected of being used as an ice-cream shop or aerated water shop, and the occupier, keeper or other person having charge thereof shall give admission thereto at any time to the medical officer, sanitary inspector, constable or any other person authorised in writing by the town council, and every occupier or keeper or other person having the charge of such premises who shall not admit such authorised person, on exhibition of his authority, shall be liable to a penalty not exceeding two pounds.

(4) A reference in this section to the principal Act and section three hundred and sixteen thereof shall, in the case of any burgh named in Schedule II. to the principal Act, be read and construed as a reference to the provisions of the local Act or Acts, conferring power to make byelaws for police purposes and otherwise relating to such byelaws and the confirmation and enforcement thereof.

(5) In this section the expression "ice-cream" shall include any preparation sold under the name of ice-cream or any similar title, whether containing milk or cream or not.

SUPPLY OF MILK FROM DISEASED COWS.

Interpretation of terms.

83. In the sections of this Act under the heading "Supply of milk from diseased cows":—

The expressions "dairy," "dairyman," "district," "local authority" and "medical officer" shall respectively have the same meanings as in the Public Health (Scotland) Act, 1897; and the expression "veterinary surgeon" shall mean a member of the Royal College of Veterinary Surgeons approved by the local authority for the purposes of the said sections.

60 & 61 Vict. c. 38.

Penalty for selling milk of diseased cows.

84.—(1) Every person who knowingly sells or suffers to be sold or used for human consumption, within the burgh, the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

(2) Any person, the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the burgh, who, after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder, keeps or permits to be kept such cow in any field, shed or other premises along with other cows in milk, shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis.

(3) Every dairyman who supplies milk within the burgh and has in his dairy any cow affected with, or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officers of the burgh and of the district in which such dairy is situated, stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

85. It shall be lawful for the medical officer of the burgh, or any person provided with and, if required, exhibiting the authority in writing of such medical officer, to take within the burgh for examination samples of milk produced or sold or intended for sale within the burgh.

Power to inspect cows and procedure where tuberculosis due to milk within the burgh.

86.—(1) If milk from a dairy situate within the burgh is being sold or suffered to be sold or used within the burgh, the medical officer of the burgh, or any person provided with and, if required, exhibiting, the authority in writing of the medical officer of the burgh, may, if accompanied by a veterinary surgeon, at all reasonable hours enter the dairy and examine the cows kept therein; and, if the medical officer of the burgh or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder, he may require the cow to be milked in his presence and may take samples of the milk, and the milk from any particular teat shall, if he so requires, be kept separate, and separate samples thereof be furnished.

(2) If the medical officer of the burgh is of opinion that tuberculosis is caused, or is likely to be caused, to persons residing in the burgh from consumption of the milk supplied from a dairy situate within the burgh, or from any cowkept therein, he shall

report thereon to the burgh local authority, and his report shall be accompanied by any report furnished to him by the veterinary surgeon, and the burgh local authority may thereupon serve on the dairyman notice to appear before them within such time, not less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply any milk from such dairy within the burgh until the order has been withdrawn.

(3) If, in their opinion, the dairyman, being a dairyman whose dairy is situated within the burgh, fails to show cause why such an order may not be made as aforesaid, the burgh local authority may make the said order and shall forthwith serve notice of the facts on the Local Government Board for Scotland.

(4) The said order shall be forthwith withdrawn, on the burgh local authority or their medical officer being satisfied that the milk supply has been changed, or that it is not likely to cause tuberculosis to persons residing in the burgh.

Procedure when milk supplied from outside the burgh.

87.—(1) If the medical officer of the burgh has reason to believe that milk from any dairy situate outside the burgh, from which milk is being sold, or suffered to be sold or used, within the burgh, is likely to cause tuberculosis to persons residing within the burgh, the medical officer of the burgh shall forthwith intimate the same to the medical officer of the local authority of the district in which such dairy is situate, and the medical officer of such local authority, or some person provided with and, if required, exhibiting his authority in writing, accompanied by a veterinary surgeon shall be bound forthwith to examine the cows therein and, if the medical officer of such local authority, or person authorised by him as aforesaid, has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder, he may require the cow to be milked in his presence and may take samples of the milk, and the milk from any particular teat shall, if he so requires, be kept separate, and separate samples thereof be furnished, previous notice of the time of such examination having been given to the burgh local authority, in order that the medical officer of the burgh or a veterinary surgeon may, if they so desire, be present at the examination, and the medical officer of the local authority of such district shall forthwith report the results of the examination, accompanied by the report of the veterinary surgeon (if any), to that local authority, or any committee of that local authority appointed under section fourteen of the Public Health (Scotland) Act, 1897, and shall also furnish a copy of such report to the burgh local authority.

(2) The local authority of such district or any committee of the local authority appointed as aforesaid shall, unless the medical officers of the district and the burgh are both satisfied that there is at the dairy no cow suffering from tuberculosis of the udder, meet forthwith and consider the report or reports, together with any other evidence, that may be submitted by the parties concerned, previous notice of not less than twenty-four hours of their meeting and of the purpose thereof having been given to the dairyman and to the burgh local authority, and shall either make an order

requiring the dairyman not to supply any milk from such dairy, until the order has been withdrawn, or resolve that no such order is necessary, and, in the event of their making an order, shall forthwith serve notice of the facts on the Local Government Board for Scotland and on the burgh local authority.

(3) Where proceedings are taken or an order is made or refused to be made, under this section, by the local authority of a district other than a burgh, it shall not be competent to appeal against the said proceedings or against the said order to the county council.

(4) The local authority may require the dairyman not to supply milk, either within or without the district, and shall give notice of the fact to the local authority of any district within which they believe milk to be supplied from such dairy.

(5) Any such order shall be forthwith withdrawn, on the local authority or their medical officer on their behalf being satisfied that the milk from the dairy is no longer likely to cause tuberculosis to persons, but notice shall be given to the burgh local authority of any proposal to withdraw the order and an opportunity given to them of being heard and submitting evidence, before the order is withdrawn.

Penalties.

88.—(1) If any person, after an order under either of the two preceding sections has been made, supplies any milk or sells it for consumption, in contravention of the order, he shall be liable to a penalty not exceeding five pounds and, if the offence continues, to a further penalty not exceeding forty shillings for every day during which the offence continues.

(2) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under either of the two preceding sections.

(3) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer, or such authorised person or veterinary surgeon as aforesaid, as may be required by such medical officer, person or veterinary surgeon for all or any of the purposes of the two preceding sections, and any person refusing such assistance or obstructing such medical officer, person or veterinary surgeon in carrying out the purposes of such sections shall be liable to a penalty not exceeding five pounds.

(4) It shall be open to the local authority, or any dairyman aggrieved by any resolution or order or withdrawal of order, under either of the two preceding sections to appeal, in a summary manner, to a sheriff having jurisdiction in the district in which the dairy is situate, and the sheriff may either make an order requiring the dairyman to cease from supplying or selling milk, or may vary or rescind or continue any order which has been made, and he may at any time withdraw any order made under either of the two preceding sections. Pending the disposal of any such appeal the order shall remain in force.

Compensation where order made without due cause.

89. If an order is made without due cause or if the local authority unreasonably refuse to withdraw the order, the dairyman shall, if not himself in default, be entitled to recover from the local authority making the order full compensation for any damage

which he has sustained by reason of the making of the order or of the refusal of the local authority to withdraw the order, and the sheriff may determine and state whether an order, the subject of appeal, has been made without due cause, whether the local authority have unreasonably refused to withdraw the order and whether the dairyman has been in fault.

Expenses how to be charged.

90. All expenses incurred by the local authority in pursuance of any section of this Act under the heading "Supply of milk from diseased cows" shall be chargeable on the public health general assessment, leviable under the Public Health (Scotland) Act, 1897, and the local authority may also charge on the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test, for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district: Provided that no such test shall be applied except with the previous consent of the owner of such cow.

60 & 61 Vict. c. 38.

Notice to be given.

91. The town council shall cause to be given public notice of the effect of the provisions of this Act, relating to supply of milk from diseased cows, by advertisement in a newspaper circulating in the burgh and by handbills and otherwise in such manner as they think sufficient, and the said provisions shall come into operation at such time, not being less than one month after the first publication of such advertisement as aforesaid, as the town council may fix.

Mode of recovering penalties.

92. Penalties imposed by any section of this Act under the heading "Supply of milk from diseased cows" shall be recoverable in any court having summary jurisdiction where the dairy in question is situated, at the instance of the local authority or of any public prosecutor in such court.

BYELAWS.

Power to make byelaws.

93. The town council may, from time to time, make byelaws and repeal, alter or amend any byelaws so made, for any of the purposes after-mentioned, viz.:—

(1) The drainage of the subsoil of sites for and the prevention of dampness in buildings intended for human use or habitation:

(2) The strength and stability of the walls, joisting and principal timber and iron work of buildings:

(3) The structure and form of walls, foundations, floors, hearths, staircases, stairs, stair-railings, passages, roofs and chimneys of buildings:

(4) Projections over streets, ornaments upon buildings overhanging the walls of such buildings, recesses in walls and openings in party and cross walls:

(5) The erection, stability, maintenance, inspection and removal of scaffolding, cranes, barricades, hoardings, platforms and balconies, and the dimensions, position and use of the same:

(6) The regulation, control and use of advertising hoardings and similar structures exceeding twelve feet in height:

(7) The erection of walls or other fences forming divisions between courts, back-courts and areas:

(8) Provision against the risk of fire in buildings and for means of escape from fire:

(9) The ventilation of and admission of light to buildings:

(10) The construction and arrangement of the drainage of buildings and of soil pipes and waste pipes, and the construction and position of water-closets, earth-closets, privies, ashpits, cesspools, dungsteads, slop sinks and rainwater pipes and rhones:

(11) The level, construction, causewaying and paving of streets and of the footways thereof, and provision for drainage of surface water therefrom, and the provision of lanes or other secondary means of access, where necessary for the purpose of removing refuse:

(12) The protection of trees, shrubbery or ornamental or pleasure grounds in or adjacent to streets:

(13) The due inspection of buildings in course of erection or structural alteration, the examination of the drains thereof and the pulling down, alteration or amendment of any work which has been carried out in contravention of lawful requirements and which the town council are entitled to pull down, alter or amend.

All such byelaws shall be enforceable by such penalties as may be prescribed therein, not exceeding five pounds for each contravention, and in other respects shall be subject to the same conditions and provisions as byelaws made by the town council under the principal Act or any local Building or Police Act, as the case may be.

The said byelaws shall be consistent with the law of Scotland and with any provisions, as to the above matters, contained in the Burgh Police Acts (or local Building or Police Act, as the case may be), the Public Health (Scotland) Act, 1897, or any other public general Act, but may alter or supplement any of the building rules contained in Schedule IV. of the principal Act.

60 & 61 Vict. c. 38.

PART III.—(MISCELLANEOUS AND SUPPLEMENTAL.)

Amendment of Local Government (Scotland) Act, 1894.

94. Subsection seven of section nineteen of the Local Government (Scotland) Act, 1894, shall be amended by the insertion after the word "burghal" therein of the words "or comprising a police burgh or part of a police burgh," and the said section shall be read and construed as hereby amended.

Requisition for and payment of cost of policing burghs.

95. In order to remove doubts which have arisen as to the method of recovery of the cost of policing royal and parliamentary burghs, which are policed by the county, it is hereby provided that the county council, annually and not later than the month of October in each year, shall cause a requisition to be sent to the town council of any royal or parliamentary burgh so policed, requiring them to pay the cost of such policing; such cost to be

ascertained in terms of the Local Government (Scotland) Act, 1889, and the principal Act, or, in the case of a burgh being a police district formed under the Police (Scotland) Act, 1857, in the manner provided by that Act as read with the said Acts; and the town council shall, on or before the first day of January next ensuing, pay to the county council the sum so requisitioned for without any deduction whatever.

Adjustment with county in case of new burghs or extension of boundaries.

96. On the formation of any new burgh or extension of the boundaries of any existing burgh, section fifty of the Local Government (Scotland) Act, 1889, relating to the adjustment of property and liabilities consequential on an alteration of boundaries, shall apply as if in lieu of that Act, and the Boundary Commissioners, the Burgh Police Acts and the sheriff (not being a sheriff substitute) were respectively mentioned therein: Provided that nothing herein contained shall require the sheriff to entertain any application, made after the expiry of one year from the date when such formation or extension takes effect.

County council may adopt certain sections of Act.

97. A county council may, at a meeting called after due notice, by resolution adopt the sections of this Act whereof the marginal notes are respectively "Manufacture and sale of ice cream" and "Ice-cream shops, &c. to be registered," or either of such sections, and, after a date to be specified in the resolution, the adopted section or sections shall have effect throughout the county, with the substitution of "county" for "burgh," of "county council" for "town council" and of the Local Government (Scotland) Act, 1889, and section fifty-seven thereof for the principal Act and section three hundred and sixteen thereof.

In this section the expression "county" shall mean a county excluding any burgh or police burgh situate therein.

Parts I. and II. how to apply.

98.—(1) Part I. of this Act shall, subject as herein-after provided, apply to every burgh to which the principal Act is applicable.

(2) Part II. of this Act shall apply to any such burgh only if and so far as the town council shall resolve, by special order as defined in the principal Act, to adopt Part II. of this Act, in whole or part, and a town council may by such resolution adopt any section or sections of Part II. Any such resolution by special order shall be intimated to the Secretary for Scotland and published in the Edinburgh Gazette and shall come into force, after such intimation and publication, upon a date to be named in the resolution.

(3) Parts I. and II. of this Act shall apply to any burgh named in Schedule II. of the princpal Act only to the extent to which sections of such Parts, or either of them, may be adopted by the town council of such burgh, in the manner and to the effect provided by section fifteen of the principal Act: Provided that, in so far as the principal Act has, at the commencement of this Act, been already adopted by any of the said burghs or, in terms of the Local Government (Scotland) Act, 1894, by a county council or a district committee, no amendment made in the principal Act

by this Act shall apply to the portions so adopted, unless the town or county council or district committee shall resolve to adopt such amendment.

(4) Provided always that a town council adopting any of the provisions of the Burgh Police Acts, referred to in the section of this Act whereof the marginal note is "Power to relax certain statutory rules," shall also adopt that section, and a town council adopting any section of this Act under the heading "Register of streets", "Hollow squares" or "Supply of milk from diseased cows" shall adopt the whole of the sections under such heading.

(5) After the adoption of any provisions of this Act, the provisions adopted shall prevail over the corresponding provisions (if any) in any local Act applying to the burgh.

(6) Without prejudice to any special powers conferred by Act of Parliament upon the trustees of the Clyde Navigation, the provisions of this Act shall not, except with respect to streets, sewers, drains and sanitary provisions, apply to the harbour, docks or wharves of the said trustees, or to buildings connected with such harbour, docks or wharves other than buildings used for the purpose of human habitation, so far as they are so used.

"Streets" in this subsection shall not include any road forming part of any harbour, dock or wharf of the said trustees, or any road formed or laid out by the said trustees and used as an approach to such harbour or dock or to land used for Clyde navigation purposes and wholly maintained by said trustees, or any private street or road, the lands abutting on which and having right of access thereto belong wholly to the said trustees.

(7) Nothing in this Act contained shall affect or prejudice the provisions of any Act relating to the harbour and docks of Leith, Aberdeen, Dundee or Greenock.

(8) Nothing in this Act contained shall alter, prejudice or affect the constitution rights, powers or privileges or limit the jurisdiction of the dean of guild courts of Edinburgh, Glasgow and Dundee, or confer on or enable the town council of any of said burghs to exercise any power or jurisdiction vested in the dean of guild court thereof at the commencement of this Act, or any power in relation to or affecting the said court or the jurisdiction thereof not then possessed by the town council.

(9) Sections twenty-three to forty-three, inclusive, sections sixty-two to seventy-five, inclusive, and subdivision (*l*) of sub-section two of section one hundred and four of this Act shall not apply to the railways or stations of any railway company or buildings connected therewith other than dwelling-houses.

Saving of local Acts by special order.

99. Notwithstanding anything in this Act contained, it shall be in the power of the town council of any burgh to which a local Act applies, by special order as defined in the principal Act, to resolve, at any time after the passing and before the commencement of this Act, that any sections or subsections of Part I. of this Act specified in such special order shall not be applicable to such burgh and that in lieu thereof the corresponding sections or subsections of such local Act (which sections or subsections shall be specified in

the resolution) shall remain in force within the burgh, but, saving as aforesaid, the provisions of Part I. of this Act shall prevail over the corresponding provisions of any such local Act. Any such resolution by special order shall be forthwith intimated to the Secretary for Scotland and published in the Edinburgh Gazette and shall come into force at the date of the commencement of this Act.

Exemption of Crown property.

100. Without prejudice to any existing right of His Majesty, there shall be exempted from the provisions of the principal Act and this Act every building, structure or work vested in or in the occupation of His Majesty, either beneficially or as part of the hereditary revenues of the Crown, or in trust for the public service or for public services, also any building, structure or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Burgh of Coatbridge.

101. In every Act passed after the commencement of this Act, unless the contrary intention appears, a reference to a royal burgh shall be deemed to include a reference to the burgh of Coatbridge.

Commencement of Act.

102. This Act shall, except as otherwise provided, commence on the fifteenth day of May one thousand nine hundred and four.

Definitions.

103. Expressions used in this Act shall, unless there be something in the subject or context repugnant to such construction, have the same meaning as in the principal Act: Provided that, unless there be something in the subject or context repugnant to such construction, the expression—

(1) "Building" shall, in the principal Act and this Act, include any structure or erection of what kind or nature soever, whether temporary or permanent, and every part thereof, but shall not include the hoardings mentioned in section one hundred and eighty-seven of the principal Act, or any hoarding or similar structure to be used only for advertising purposes not exceeding twelve feet in height:

(2) "Lane" shall, in the principal Act and this Act, mean any street of fifteen feet or under in width which is used wholly or mainly for access to stables or other buildings not abutting upon a street of greater width, or as a back access to dwelling-houses or other buildings facing a street of greater width:

(3) "Part of a street" shall, in the principal Act and this Act, mean any area within a street, whether including the whole length or width of the street or not:

(4) "Public building" shall, in the principal Act and this Act, mean a building used or constructed, adapted or altered to be used as a church, chapel or other place of public worship, or as a school, college or place of instruction (not being merely a dwelling-house so used), or as a hospital, poor-house, public theatre, public music-hall, public hall, public concert room, public ball-room, public lecture-room, public library or public exhibition room, or as a public place of assembly, or a building used or constructed or adapted to be used for any other public purpose, and shall include a building used or constructed or

adapted to be used as a hotel, lodging-house, home, refuge or shelter where such building contains space extending to more than two hundred and fifty thousand cubic feet, or has sleeping accommodation for more than one hundred persons:

(5) "Public street" shall, in the principal Act and this Act, mean (1) any street which has been or shall at any time hereafter be taken over as a public street, under any general or local Police Act, by the town council or commissioners; (2) any highway within the meaning of the Roads and Bridges (Scotland) Act, 1878, vested in the town council; (3) any road or street which has in any other way become or shall at any time hereafter become vested in or maintainable by the town council, and (4) any street entered as a public street in the register of streets made up under this Act:

(6) "Private street" shall, in the principal Act and in this Act, mean any street other than a public street:

(7) "Drain" shall, in sections two hundred and forty-one to two hundred and forty-five, inclusive, of the principal Act, include all soil pipes and all other pipes, traps and apparatus used for or in connexion with the removal of sewage or waste water:

(8) "Burgh Police Acts" shall, in this Act, mean the Burgh Police (Scotland) Acts, 1892 to 1903, and a reference in this Act to the said Acts or to the principal Act shall be deemed to include a reference to any Act explaining or amending the same:

(9) "Centre line," as applied to any street, shall, in this Act, mean the actual or approximate centre line, as sanctioned by the dean of guild court or town council or specified in the register of streets:

(10) "Dean of guild court" shall, in this Act, as regards burghs where there is no dean of guild court, mean the town council:

(11) "Existing" shall, in this Act, mean existing either at the commencement of this Act or at the date when the provision of this Act, in which the expression occurs, comes into force upon adoption in a burgh, as the case may be:

(12) "Guild offence" shall, in this Act, mean and include any act or omission, to which a penalty is attached by this or any other Act or any byelaw made thereunder, connected with—

(*a*) The laying out, forming and constructing, occupying for building purposes, or altering, closing or breaking up any street or part of a street;

(*b*) The erecting, taking down, altering, adding to, re-erecting or repairing any building;

(*c*) The form, construction, sanitary requirements or maintenance of any building;

(*d*) The area for lighting and ventilation to be provided for any building;

(*e*) The occupation as sleeping apartments of any part of a building;

(*f*) The erecting, taking down, altering, adding to, lighting, fencing or using any hoarding, staging, scaffolding, barricade, platform, balcony, crane or sky-sign;

(*g*) The fencing of any ground;

(*h*) Projections against or in front of or ornaments upon any building;

(*i*) Excavations in any street;

(*j*) The construction or maintenance of sewers, branch drains, soil pipes, water-closets, earth-closets, privies, ashpits, cesspools and dungsteads, and provision for the removal of roof and surface water;

(*k*) The building rules enacted by the principal Act;

(*l*) The submission of any plans to the town council, dean of guild court or burgh surveyor;

(*m*) Any order issued by the dean of guild court, the town council acting as a dean of guild court or otherwise, or the burgh surveyor, in relation to the laying out, formation or alteration of streets or construction or alteration of buildings:

(13) "Register of streets" shall, in this Act, mean the register of streets therein provided for.

Portions of principal Act repealed or amended.

104.—(1) The sections or portions of sections of the principal Act specified in the first column of the Schedule to this Act are hereby repealed, and the sections of the principal Act specified in the second column of the said Schedule are hereby amended to the extent therein specified.

(2) In addition to the scheduled amendments, the principal Act shall be amended or extended in the following particulars:—

(*a*) Every alteration of the boundary of a burgh under section eleven or section twelve of the principal Act shall be forthwith intimated by the town clerk to the Secretary for Scotland:

(*b*) Section one hundred and ten shall extend to lavatories, waiting rooms and other similar accommodation, and any constructions under said section may be in whole or part below the street level:

Carriageway and footways of public streets to be under control of council. 54 & 55 Vict. c. 32.

(*c*) For section one hundred and twenty-eight shall be substituted the following section:—

"Subject to the provisions of the Roads and Streets in Police Burghs (Scotland) Act, 1891, and of the Burgh Police Acts, the town council shall have the sole charge and control of the carriageway of all the public streets, within the burgh and the footways thereof, and also of all public footpaths, and all such public streets, footways and footpaths are, for the purposes of the said Acts and of such charge and control, hereby vested in the town council accordingly."

Private streets not properly formed.

(*d*) For section one hundred and thirty-three shall be substituted the following section:—

"Where any private street or part of such street has not, together with the footways thereof, been sufficiently

levelled, paved, causewayed or macadamised and flagged to the satisfaction of the council, it shall be lawful for the council to cause any such street or part thereof and the footways, to be freed from obstructions and to be properly levelled, paved, causewayed or macadamised, and flagged and channelled in such way and with such materials as to them shall seem most expedient and completed with fences, posts, crossings, kerbstones and gutters and street gratings or gullies and drains for carrying off the surface water and thereafter to be maintained, all to the satisfaction of the council."

(*e*) For section one hundred and thirty-four shall be substituted the following section :—

Private streets may be declared vested in council.

"If any private street or part thereof, together with the footways thereof, shall at any time be made, paved, causewayed or macadamised and flagged and otherwise completed as aforesaid and put in good order and condition, to the satisfaction of the council, then, and on application of any one or more of the owners of premises fronting or abutting upon such street or part thereof, or of the superior or owner of the ground on which such street or part thereof has been formed, it shall be lawful for the council to declare, and if such street or part thereof has been paved and put in good order and condition as herein-before mentioned, and if the owners of one-half or more of the frontage of such street or part concur in the application, the council shall declare the same to be vested in the council, and it shall be thenceforward vested in and maintained by the council."

(*f*) For section one hundred and thirty-eight shall be substituted the following section :—

In certain cases proportion of expenses to be fixed by council.

"Where one or more private streets or parts thereof serve for or lead to various premises (whether abutting on such street or streets or any part thereof or not) adjoining the same, or where, in any other circumstances, in the judgment of the council, the payment of the costs, charges and expenses as aforesaid should not be regulated in proportion to the frontage as above provided, the council shall fix and determine the premises (whether abutting on such street or streets or any part thereof or not), the owners of which shall be liable for such costs, charges and expenses, and the proportions leviable from each owner, as they shall consider, under all the circumstances of the case, to be just, and their determination shall be final, and the whole of such costs, charges and expenses shall be paid by such owners and shall be recoverable as private improvement expenses."

(*g*) The powers to acquire lands and premises, conferred on a town council under section one hundred and fifty-four, shall

extend to the purpose of extending, altering or rebuilding any existing bridge, and any expenditure, incurred under the said section for the said purpose or for the purpose of widening any street, shall be charged either against the assessment therein mentioned or against the assessment imposed for the purposes of the Roads and Bridges (Scotland) Act, 1878, or be divided between such assessments either in equal shares or otherwise, all as the town council may determine, and the cost of any operations under the section may be defrayed from money borrowed upon the security of the said rate or rates: 41 & 42 Vict. c. 51.

(*h*) Section one hundred and fifty-eight (relating to the setting back of houses or buildings) shall extend to every case where any new house or building is proposed to be erected:

(*i*) Section one hundred and sixty-six (relating to the lodging of plans and petitions with the town clerk) shall extend to every person who proposes to alter, add to or take down, in whole or part, or to re-erect or restore, after destruction by fire or otherwise, the structure of any house or building, or to make any excavation in connexion with such operations or with any operation mentioned in the said section, and a copy of every petition presented under the section shall be served upon the master of works or surveyor of the burgh for the public interest, and also upon the immediately conterminous proprietors, and on such other persons as the town council may direct:

(*k*) The town council shall, before giving their decision upon any petition lodged under section one hundred and sixty-six, give parties interested an opportunity of being heard and of leading evidence, and in dealing with such petition the town council shall have the same powers and jurisdiction, and the procedure shall be the same, as is provided by the principal Act and this Act with regard to any dean of guild court to be established thereunder:

(*l*) For section one hundred and sixty-eight shall be substituted the following section:—

Regulating existing buildings for places of public meetings, &c.

"The council shall cause every existing building used or proposed to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, to be inspected, and shall, after hearing the persons interested, direct such means to be taken for providing proper means of access to and exit from such buildings, and for protection from fire and other dangers to the public, as to the council shall seem fit. Any person who refuses access to the council, or anyone appointed by them to any such building, shall be liable to a penalty not exceeding five pounds for each day during which such refusal continues, and any owner who fails to provide the means directed by the council, within the period specified by them, shall be liable to a penalty not exceeding twenty pounds for each day after

the expiry of such period on which the building is used as aforesaid."

The dean of guild court on the application of the council may interdict, prevent and stop the use of any such building, unless and until the means directed by the council as aforesaid have been provided:

Provided that, in any case where any such order or interdict has been granted and an appeal taken, such order or interdict shall not be operative until the whole cause has been decided on the merits by the Court of Session, and the Court of Session shall have power, in any case where they may think proper, to ordain the appellant to find caution as a condition of being allowed to insist on the appeal.

(*m*) In burghs where there is a dean of guild court, all applications under section one hundred and eighty-seven (relating to hoardings, fences and platforms to be set up during building operations) shall be made to such court, and the said court shall have power to grant the necessary authority, give directions for the removal of fences, hoardings and platforms and fix the charge for the occupation of ground in the said section referred to:

(*n*) For section two hundred and thirty-eight shall be substituted the following section:—

Council may construct drains from houses, charging owners, &c. with the expense.

"If any house or building and its pertinents be at any time not drained by a sufficient drain or pipe communicating with some sewer or with the sea, to the satisfaction of the council, and if there shall be such means of drainage within one hundred yards of any part of such house or building, the council may require the owner of such house or building to construct or lay therefrom a covered branch drain or pipe of such materials, of such size, at such level and with such fall as they think necessary for the drainage of such house or building, its areas, waterclosets and offices:

"If there shall be no such means of drainage within such distance, the town council may require the owner to construct or lay from such house or building a covered branch drain or pipe, as aforesaid, and lead the same into a covered cesspool or other place to be constructed by such owner, and such drain or pipe and cesspool shall be subject to the conditions as to construction and repair specified in section two hundred and thirty-nine:

The town council may charge and recover from the owner of any branch drain a sum not exceeding ten shillings for the supervision of each connexion thereof with any sewer vested in them:

"If any owner fail to commence the construction and laying of any drain or pipe, or the construction of any cesspool or other place required under this section within three weeks from the date of requisition, or to complete the

same within six weeks of that date, or within such longer periods as the council may in their requisition determine, the council may themselves construct and lay, construct or complete the same:

"All expenses incurred by the council under this clause shall be recoverable from the owner of such house or building as private improvement expenses":

(*o*) For section two hundred and thirty-nine shall be substituted the following section:—

No house to be hereafter built without drains being constructed.

"No house or building shall be built upon a lower level than will allow the drainage of the wash and refuse thereof to fall into some sewer belonging to the council, either then existing or marked out upon the map herein directed to be made by them; and if there be such means of drainage existing within one hundred yards of such intended house or building, the council may require the owner of such house or building to cause a branch drain, leading thereunto from the intended site of such house or building, to be made of such materials, of such size, at such level and with such fall as they think fit; or if there be no such means of drainage within one hundred yards of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place as the council direct, not being under any dwelling-house or other occupied building, and shall be constructed and kept in complete repair to the satisfaction of the council, so as effectually to prevent any leakage or effluvium therefrom until such sewer as aforesaid is made by the council, when they shall make a drain to communicate withsuch new made sewer, and shall demolish and fill up any such cesspool; and if any owner fails to commence the construction or repair of such branch drain and, where necessary, of such cesspool or other place within three weeks from the date of such requisition, or to complete the same within six weeks of that date, or within such longer periods as the council may in their requisition determine, the council may themselves construct or repair or complete the construction or repair of such branch drain and, where necessary, of such cesspool or other place. All expenses incurred by the council under this section shall be recoverable from the owner of such house or building as private improvement expenses:

"No cesspool shall be constructed within one hundred feet of any dwelling-house or within two hundred feet of any well or spring of water, without the consent in writing of the town council":

(*p*) Section two hundred and forty-six (relating to the provision of water-closets) shall be amended by the addition at the end thereof of the following words "and in such case the council "may, subject to the aforesaid conditions, require a sufficient "earth closet to be provided":

(*q*) Section three hundred and seven (relating to lands and grounds for public recreation) shall be amended by the addition at the end thereof of the following words: "Provided that "the expression 'pleasure ground' in the last-mentioned "Act shall be deemed to include an open space for rest or "recreation":

(*r*) The words occurring in section three hundred and fifteen "for a period not exceeding twenty years," limiting the period during which the general improvement assessment may be applied for the erection of a public hall and other purposes, shall be repealed, and any expenditure incurred under the said section, which the council may resolve not to defray from the general improvement assessment, shall be defrayed from the burgh general assessment:

(*s*) Section three hundred and thirty-nine, providing an appeal from proceedings of a town council, shall be amended by the addition at the end thereof of the following words: "except as "after mentioned: Provided that any party dissatisfied with "the judgment of the sheriff, as erroneous in point of law, "may appeal thereagainst to the Court of Session in terms "and subject to the provisions of the Summary Prosecutions "Appeals (Scotland) Act, 1875, provided that the limit of "time for such appeal shall be six days instead of three days, "as provided by the last-cited Act":

38 & 39 Vict. c. 62.

Without prejudice to the general construction of this Act as one Act with the principal Act, it is hereby expressly provided that any order, resolution, deliverance or act of a town council (whether acting as such or performing the functions of a dean of guild court), made or done under any of the provisions of this Act, whether originally applicable to such town council or adopted by them, shall be deemed to be an order, resolution, deliverance or act within the meaning of section three hundred and thirty-nine of the principal Act, and that section shall apply accordingly.

(*t*) In section three hundred and sixty (relating to the cost of the maintenance and repair of foot pavements) the words "shall be defrayed from any rate applicable to the mainte- "nance of highways or streets" shall be substituted for the words "shall form part of the burgh general assessment, and "such assessment shall be recoverable in the same manner as "the burgh general assessment is authorised to be recovered:"

(*u*) Section three hundred and sixty-five shall be amended by the addition, at the end thereof, of the following words:—

Where different portions of said premises belong to two or more separate owners, the said expenses shall (without prejudice to any mutual rights of relief they may have under their title deeds or otherwise) be charged on such owners in proportion to the rental or valuation of their respective interests, as appearing from the valuation roll. The town council shall be entitled to charge, as part of any expenses referred to in this section, the interest accrued on temporary loans for defraying the same and

a reasonable sum in respect of the designing, measuring, contracting for and superintending the work:

(*v*) The words, "three weeks" shall be substituted for the words "six weeks", occurring in section three hundred and seventy-four and determining the period of public notification of the intention of a council to borrow money:

(*w*) For section three hundred and seventy-six shall be substituted the following section:—

As to bonds to be granted.

"All bonds for moneys to be borrowed as aforesaid may be in the form and tenor following, videlicet,—

"Number [*here state the number*].

"By virtue of the [*cite the Act under which the money is borrowed*], we, the provost magistrates and councillors of the burgh of [*insert name*], in consideration of the sum of [*insert the sum in words*], instantly advanced and paid to us for the purposes of the said Act, by *C.D.* of *E.*, do hereby bind and oblige the said burgh, out of the first and readiest of the moneys to be raised under the annual assessments by the said Act authorised to be imposed and levied, and designated the assessment [or rate *as the case may be*], to pay at the term of [*insert term of payment*] to the said *C.D.*, his executors or assignees the said sum of [*state the sum*], and also the interest thereof at the rate of [*insert the rate of interest*] per centum per annum from the date hereof, at the terms of Whitsunday and Martinmas in each year, till the said sum is paid; and for the further security of the said *C.D.*, we do hereby assign to him, his executors or assignees such proportion of the said moneys, to be raised under the said annual assessment, [or rate], as shall be equivalent to the said sum now paid to us, and the interest thereon as aforesaid from the date hereof to the term of payment; and we consent to the registration hereof for preservation and execution.—In witness whereof [*insert testing clause*].

"And, till repayment, such bonds respectively shall form a lien on the rates and assessments assigned by such bond, and shall entitle the creditor under the same to recover the contents thereof from the council and their officers out of the first and readiest of such rates and assessments."

Bonds for moneys to be borrowed by a town council, under any Act in which no other form of bond is prescribed, may be in the form and tenor provided by section three hundred and seventy-six, and all bonds to which the said section is applicable shall be granted and signed in terms of section nine of the Town Councils (Scotland) Act, 1900. 63 & 64 Vict. c. 49.

(*x*) For subsection fifty-three of section three hundred and eighty-one, providing penalties for police offences, shall be substituted the following subsection:—

"(53) Stands, sits, loiters or lies to the obstruction or annoyance of the residents or passengers on the footway or street or any close, stair, entry or doorway"

(*y*) After subsection fifty-three of the last-mentioned section the following subsections shall be inserted :—

See 1 & 2 Will. 4. c. 43. s. 9.

"(54) Causes any tree, timber, beam, girder, stone or other heavy article to be drawn or hauled otherwise than upon a wheeled vehicle."

"(55) Throws or lays down glass, pottery, nails, wire, thorns or other articles having sharp edges or points."

(3) The sections and parts of sections and words for which substitutions are provided by this section are hereby repealed.

SCHEDULE to which this Act refers.

Section 104.

PORTIONS OF THE BURGH POLICE (SCOTLAND) ACT, 1892, REPEALED OR AMENDED.

COLUMN No. I. Sections repealed, and extent of repeal.		COLUMN No. II. Sections amended and extent of amendment.	
Sec. 4 -	The whole of sub-section (3).	—	—
Sec. 4 -	Subsection (7)—after the word "absence" to the end of the subsection.	Sec. 4 -	Subsection (7)—insert after "absence" the words "the acting Chief Magistrate."
Sec. 4 -	Subsection (8)—the words "under the provisions of "this Act."	—	—
Sec. 4 -	Subsection (14)—the words "under the Municipal "Elections Amendment "(Scotland) Act, 1881."	—	—
		Sec. 11 -	After the words "other burgh" insert "unless with consent of the town "council of such other burgh expressed "after resolution by special order."
		Sec. 15 -	Last paragraph after the word "burgh" insert "and shall have effect as if they "were provisions of and enacted in the "Local Police Acts, and such Acts and "references therein shall be construed "accordingly."
Sec. 55 -	Subsection (5)—the words from and including "The "titles" to the end of the subsection.	—	—
Sec. 56 -	The whole section.	—	—
Sec. 58 -	After the word "authorised" to the end of the section.	—	—
Sec. 77 -	Subsection (3)—from the beginning to "Acts."	—	—
Sec. 105 -	The words "common "courts" where they occur together. The words "as they may con- "sider to be insufficiently "lighted."	Sec. 105 -	Insert instead of the words "common courts" the words "common stairs."
		Sec. 117 -	After "common passages" insert "and "walls and roofs of closes and walls of "open courts."
		Sec. 129 -	Insert the word "public" before "streets" wherever it occurs.

COLUMN No. I. Sections repealed, and extent of repeal.		COLUMN No. II. Sections amended and extent of amendment.	
Sec. 129 -	The words "other than "private streets."	Sec. 129 -	Insert instead of the words repealed "with "the exception of the footways and kerbs "thereof."
		Sec. 135 -	After the word "gullies" insert "and drains."
Sec. 136 -	The whole section.	—	—
		Sec. 137 -	After the word "gullies" insert "and "drains for carrying off the surface "water."
		Sec. 137 -	After the words "each street" insert "or "each part of a street dealt with, in pro- "portion to the length of their frontage "or abutment."
Sec. 146 -	The whole section.	—	—
Sec. 147 -	The whole section.	—	—
Sec. 148 -	The whole section.	—	—
Sec. 149 -	The words "such streets." -	Sec. 149 -	Insert instead of the words repealed the words "new street."
Sec. 150 -	The words "granting such "application."	Sec. 150 -	Insert instead of the words repealed the words "such agreement."
Sec. 153 -	The whole section.	—	—
Sec. 164 -	The words "for the latter "purpose," and the word "such" where fourth occurring.	Sec. 164 -	Insert instead of the words first repealed, "the owner of every land or heritage "shall prevent any surface water there- "from from flowing over and upon any "street; and so far as may be necessary "for the said purposes."
Sec. 169 -	The whole section.	—	—
Sec. 200 -	The words "such requisi- "tion not being complied "with."	Sec. 200 -	Insert instead of the words repealed, "the "owner failing to commence any opera- "tions ordered within one month of "the date of the said notice, or of his "thereafter failing to proceed with the "said operations continuously, and com- "plete them within the period specified "therein."
Sec. 278 -	The words "and they may "also license such "slaughter-houses as they "may from time to time "think proper for "slaughtering cattle "within the burgh."	Sec. 278 -	Instead of the words repealed insert "Pro- "vided that any town council which is "refused by a local authority a licence "under section thirty-three of the Public "Health (Scotland) Act, 1897, for pre- "mises for a slaughter-house without "the burgh may appeal to the Local "Government Board for Scotland against "such refusal, and the decision of the "Board shall be final."
Sec. 279 -	The whole section.	—	—
		Sec. 280 -	After the word "licensed" insert under the "Public Health (Scotland) Act, "1897."
Sec. 281 -	The word "licensing."	—	—
		Sec. 282 -	After the word "granted" where first oc- curring insert "under the Public Health "(Scotland) Act, 1897."
Sec. 282 -	The words "from and when- "ever" to end of section.	—	—
		Sec. 284 -	After the word "sum" insert "having "regard to the cost of construction, "maintenance and working thereof." At end of section "or is provided by a "local authority other than a town "council, and in such last-mentioned "case notice of the proposal to provide "a slaughter-house shall be given by "such local authority to the town "council of the burgh, and the town "council may within one month after "receipt of such notice appeal to the "Local Government Board for Scotland "against such proposal, and the decision "of the Board shall be final."

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COLUMN No. I. Sections repealed, and extent of repeal.		COLUMN No. II. Sections amended and extent of amendment.	
Sec. 285 -	The words "for the "slaughtering of horses "or as a place of deposit "for the carcases of the "animals."	Sec. 285 -	Instead of the words repealed, insert "as "a place of deposit for the carcases of "horses."
		Sec. 296 -	Insert at beginning of section—"When re- "quested by the council to do so, or on "receipt of a special written report by "the firemaster that suspicion of wilful "fire-raising exists."
		Sec. 316 -	Subsection A (3)—after the word "gymna- "siums" insert "libraries and reading- "rooms not under the Public Libraries "(Scotland) Acts, 1887 and 1894."
Sec. 316B, sub-sec. 8.	The words from "and also" to end of subsection.	—	—
Sec. 365 -	The words "the said ex- "penses."	Sec. 365 -	Instead of the words repealed, insert "the "expenses thereby incurred by them."
		Sec. 381 -	Subsection (13)—at end add "or foot- bridge."
Sec. 429 -	The whole section.	—	—
Sch. IV. -	The last paragraph of Rule 18.	—	—

CHAPTER 34.

An Act to amend the Town Councils (Scotland) Act, 1900. [14th August 1903.]

WHEREAS it is expedient to amend the Town Councils (Scotland) Act, 1900:

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:

Short title and extent. 63 & 64 Vict. c. 49.

1. This Act may be cited as the Town Councils (Scotland) Act, 1903; and this Act and the Town Councils (Scotland) Act, 1900 (herein-after called the principal Act), may be cited together as the Town Councils (Scotland) Acts, 1900 and 1903. This Act shall apply to Scotland only.

Entry of certain electors in supplementary list.

2. All persons who in respect of the ownership or occupancy of premises, within the municipal boundary of any burgh not returning or contributing to return a member or members to Parliament, possess the necessary qualification for voting in the election of a member of Parliament, but whose names are entered in the parliamentary register of the county in respect only of premises outwith the burgh, shall, unless otherwise disqualified, be electors of the burgh for the purposes of the principal Act, and the names of all such persons shall be entered in the supplementary list.