CHAPTER ii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Edinburgh Corporation. [20th December, 1962]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

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

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

2. This Act may be cited as the Edinburgh Corporation Order Confirmation Act 1962. Short title.

SCHEDULE

EDINBURGH CORPORATION

Provisional Order to consolidate with amendments the Acts and Orders of or relating to the Corporation of the city of Edinburgh with respect to the superannuation of officers and servants, fire precautions, valuation of lands and heritages, burial grounds and crematoria, and to confer further powers on the Corporation with respect to the foregoing matters, to authorise the Corporation to construct pedestrian subways, and to make further provision with respect to the water undertaking of the Corporation and for the local government, health and improvement of the city and for other purposes.

Whereas the lord provost, magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as " the Corporation ") are vested with the municipal government and administration of the said city and royal burgh (hereinafter referred to as " the city ") and are the local authority therein:

And whereas the Acts and Orders relating to certain of the matters mentioned in this Order are very numerous and in many cases have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is expedient to retain were consolidated and that the powers of the Corporation with regard to such matters should be enlarged and extended as provided in this Order:

And whereas it is expedient to authorise the Corporation to construct subways under streets and to confer on them the powers contained in this Order with respect thereto:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act, 1936:

Now therefore in pursuance of the powers contained in the said Act the Secretary of State orders as follows:—

PART I

PRELIMINARY

Short title.

1. This Order may be cited as the Edinburgh Corporation Order, 1962.

Commencement of Order.

2. Except as otherwise expressly provided, this Order shall come into operation on the date of the Act confirming the same, which date is in this Order referred to as " the commencement of this Order".

PART I —*cont.*

Interpretation.

3.—(1) Terms, words and expressions to which meanings are assigned by the city Acts, or by any public Act applicable to or affecting the municipal government and administration of the city or any of the undertakings of the Corporation, shall, subject to the provisions of this Order, and unless there is something in the subject or context inconsistent with or repugnant to such construction, have the same respective meanings in the provisions of this Order in which such terms, words and expressions are used.

(2) Unless there is something in the subject or context repugnant to such construction, the following words and expressions in this Order have the meanings hereby respectively assigned to them, that is to say:—

" Act of 1947 " means the Local Government (Scotland) Act, 1947;

" city " means the city and royal burgh of Edinburgh;

" city Acts " means the local Acts and Orders of the Corporation;

" Corporation " means the Corporation of the city;

" enactment " includes an enactment contained in any Order, regulation or other instrument having effect by virtue of an Act of Parliament;

" financial year " means the financial year of the Corporation;

" functions " includes powers and duties;

" Order of 1926 ", " Order of 1933 ", " Order of 1958 " and " Order of 1961 " mean respectively the Edinburgh Corporation (Streets Buildings and Sewers) Order, 1926, the Edinburgh Corporation Order, 1933, the Edinburgh Corporation Order, 1958 and the Edinburgh Corporation Order, 1961;

" public building " means any building used or proposed to be used as a place of public meeting or as a place of public entertainment or for holding large numbers of persons for any purpose whatsoever;

" repealed Acts " means the provisions of the Acts, Orders and Schemes which are repealed by this Order;

" sheriff " means the sheriff of the Lothians and Peebles and includes his substitutes;

" summary conviction " means conviction by a court of summary jurisdiction;

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

" transport commission " means the British Transport Commission;

" Valuation Acts " has the meaning assigned to it by section 43 of the Valuation and Rating (Scotland) Act, 1956.

(3) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Order.

Limits of Order.

4. Except where otherwise provided, or where the context otherwise requires, the provisions of this Order shall apply only to the city.

PART II

SUPERANNUATION

Definitions for superannuation purposes

Definitions for Part II of Order.

5. In this Part of this Order—

"Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937;

"equivalent contribution" means the contribution referred to in section 15 (Equivalent contribution) of this Order;

"opting employee" means an officer or servant who exercised the option to retain existing rights conferred by article 26 of the scheme of 1955 and who continues to be a contributor to the superannuation fund without a disqualifying break in service;

"Scheme of 1955" means the Edinburgh Corporation Superannuation Modification Scheme, 1955;

"superannuation fund" means the fund referred to in section 7 (Vesting of superannuation fund) of this Order; and

"superannuation scheme" means the superannuation scheme of the Corporation administered by them under the provisions of the city Acts relating to superannuation and any other enactment or scheme relating to superannuation and applicable to the Corporation or to officers and servants of the Corporation.

Definitions for purposes of superannuation scheme.

6.—(1) For the purposes of the superannuation scheme—

"aggregate service" means—

(*a*) the total completed years of service, subject to the provisions of the superannuation scheme, of an officer or servant with the Corporation or the Edinburgh and Leith Corporations Gas Commissioners and that whether such service was continuous or not;

(*b*) such portion of the completed years of service of an officer or servant with a transferred authority or with the clerk of a transferred authority as is provided in the superannuation scheme; and

(*c*) such number of years' service as may, in accordance with the provisions of the superannuation scheme, have been added to the number of years actually served;

"officer" means a permanent whole-time employee of the Corporation whose duties are wholly or mainly administrative, professional or clerical, not being—

(i) a person under the age of eighteen years;

(ii) a constable; or

(iii) a person to whom the provisions of the Teachers (Superannuation) (Scotland) Regulations 1957 apply;

and includes any employee who devotes substantially the whole of his time to the employment of the Corporation and substantially the whole of the rest of his time to employment

by one or more joint boards, joint committees, associations of local authorities or joint industrial councils on which the Corporation are represented;

" remuneration " means all salary, wages and other payments paid or made to an officer or servant for his own use and includes the money value of any house or apartments and other allowances in kind pertaining to his employment (but does not include casual payments or responsibility payments of a temporary nature, payments for overtime, travelling or subsistence allowances or other moneys spent, or to cover expenses incurred, by him for the purposes of his employment, including uniform, protective clothing, single meals or meal vouchers);

" servant " means a permanent whole-time employee of the Corporation not being under the age of eighteen years who is not an officer;

" superannuation benefits " means—

(i) superannuation allowances payable to officers and servants;

(ii) annuities to widows of officers and servants payable under the provisions of section 22 (Annuities for widows of opting employees) of this Order or under the corresponding provisions of the repealed Acts; and

(iii) any other superannuation benefits payable under the Scheme of 1955 or the superannuation regulations;

and " superannuation benefit " means any of such benefits;

" transferred authorities " means—

(*a*) the Edinburgh and District Tramway Company Limited;

(*b*) the provost, magistrates and councillors of the former burgh of Leith, the suburban district committee of the county council of the county of Midlothian, the Edinburgh and District Water Trustees, and the Water of Leith Purification and Sewerage Commissioners (being the authorities whose functions were transferred to the Corporation by virtue of the provisions of the Edinburgh Boundaries Extension and Tramways Act, 1920); and

(*c*) the education authority of the city of Edinburgh, the parish council of the city parish of Edinburgh and the Edinburgh District Board of Control (being the authorities whose functions were transferred to the Corporation by virtue of the provisions of the Rating (Scotland) Act, 1926, and the Local Government (Scotland) Act, 1929);

and " transferred authority " means any one of the transferred authorities;

" transferred officer or servant " means an officer or servant transferred to the Corporation from a transferred authority; and

PART II —*cont.*

" transferred superannuation fund " means a superannuation fund transferred to the Corporation by virtue of the provisions of the Local Government (Scotland) Act, 1929, other than a superannuation fund under the provisions of the Asylum Officers' Superannuation Act, 1909, or the Asylums and Certified Institutions (Officers Pensions) Act, 1918.

(2) For the purposes of the superannuation scheme the Corporation shall be deemed to include—

(i) the Corporation as governors and administrators of Trinity Hospital;

(ii) the governors of Heriot-Watt College;

(iii) the Edinburgh Sheriff Court House Commissioners; and

(iv) the Forth Road Bridge Joint Board;

and the officers and servants of such bodies shall be deemed to be officers and servants of the Corporation.

(3) For the expressions " salary or wages " and " salary wages or emoluments " wherever they occur in the superannuation scheme there shall be substituted the expression " remuneration " as defined by subsection (1) of this section.

(4) Other terms, words and expressions to which meanings are assigned by the Local Government Superannuation (Scotland) Acts, 1937 to 1953, shall, unless there is something in the subject or context inconsistent with, or repugnant to, such construction, have the same respective meanings in the provisions of the superannuation scheme in which such terms, words and expressions are used.

Vesting, management, investment and valuation of superannuation fund

Vesting of superannuation fund.

7. The superannuation fund of the Corporation as it exists at the commencement of this Order shall continue vested in the Corporation, and shall be held, administered and applied by them in accordance with the provisions of the superannuation scheme.

Payments into superannuation fund.

8.—(1) There shall be credited to the superannuation fund in each financial year—

(*a*) the amounts contributed during the financial year by officers and servants;

(*b*) the equivalent contribution;

(*c*) during the period until the fifteenth day of May, nineteen hundred and sixty-five the sum of forty-one thousand two hundred and forty-seven pounds, being the equal annual charge referred to in paragraph (*d*) of subsection (1) of section 52 (Superannuation fund) of the Order of 1933;

(*d*) any amounts payable into the superannuation fund in accordance with any scheme for making good a deficiency;

(*e*) all dividends and interest arising during the financial year out of the investment or use of the superannuation fund, and any capital moneys resulting from the realisation of investments or from the repayment of moneys used temporarily for other authorised purposes;

(*f*) any transfer values or additional contributory payments received by the Corporation; and

(*g*) any other sums which the Corporation may become liable to credit to the superannuation fund under any enactment.

(2) The equivalent contribution and the equal annual charge shall be met out of the same rates, revenues and accounts as those upon which are charged the remuneration from which the contributions of officers and servants are deducted.

Payments out of superannuation fund.

9. The Corporation shall pay out of the superannuation fund—

(*a*) superannuation benefits;

(*b*) contributions of officers and servants to the superannuation fund returned under the provisions of the superannuation scheme;

(*c*) transfer values payable by the Corporation under the provisions of any enactment;

(*d*) the expenses of management of the superannuation fund; and

(*e*) all other sums payable out of the superannuation fund in accordance with the provisions of any enactment.

Investment of superannuation fund.

10. Any moneys forming part of the superannuation fund and not for the time being required to meet payments to be made out of the superannuation fund shall be invested in accordance with the provisions of section 200 (Investment of reserve etc. funds) of the Order of 1958.

Actuary's certificates and periodical valuation of superannuation fund.

11.—(1) (*a*) The Corporation shall—

(i) as soon as may be after the expiration of the financial year ending on the twenty-eighth day of May, nineteen hundred and sixty-two; and

(ii) upon the expiration of each period of five years thereafter;

obtain from an actuary an actuarial valuation of, and a report on, the assets and liabilities of the superannuation fund in such form and containing such information as may be prescribed by any regulations made by the Secretary of State under the Act of 1937 and in force for the time being.

(*b*) Every valuation under this subsection shall be a valuation as at the end of a financial year.

(2) The Corporation may at any other time obtain a valuation and report under this section.

(3) The Corporation shall forthwith upon receipt of any valuation or report under this section send a copy thereof to the Secretary of State.

PART II —*cont.*

(4) (*a*) Where by any valuation and report under this section a deficiency or a disposable surplus is disclosed, the Corporation shall, within six months after receiving the valuation and report, make a scheme for making good the deficiency or, as the case may require, for disposing of the surplus.

(*b*) The provisions of section 31 of the Act of 1937 with reference to schemes under that Act shall, with any necessary modifications, apply with reference to any scheme under the provisions of this section.

(5) (*a*) Any scheme under the preceding subsection for the making good by the Corporation of a deficiency may provide for such deficiency being made good—

(i) by an annual payment over a period of forty years from the date of such valuation (charged upon the same rates, revenues and accounts as those upon which are charged the remuneration from which the contributions of officers and servants are deducted); or

(ii) out of the general reserve fund; or

(iii) by borrowing:

Provided that a payment out of the general reserve fund shall not be made in respect of any deficiency so far as relating to the transport undertaking, the water undertaking or the common good.

(*b*) Any money borrowed under the powers of this subsection shall be repaid within forty years from the date of borrowing.

Contributions to superannuation fund

Contributions of officers and servants to superannuation fund.

12.—(1) Subject to the provisions of the superannuation scheme—

(*a*) officers and servants other than—

(i) servants who under the statutory provisions in force at the time of election elected not to become contributors to the superannuation fund; or

(ii) officers and servants transferred to the Corporation from the education authority of the city of Edinburgh, the parish council of the city parish of Edinburgh or the Edinburgh district board of control; or

(iii) officers and servants who entered the employment of the Corporation subsequent to the sixteenth day of May nineteen hundred and thirty;

shall contribute to the superannuation fund a percentage amount of their remuneration according to the scale provided in the First Schedule to this Order;

(*b*) (i) transferred officers and servants who at the date of transference were contributors to a transferred superannuation fund, and officers and servants who entered the employment of the Corporation between the sixteenth day of May nineteen hundred and thirty and the twenty-seventh day of May, nineteen hundred and forty-four, shall contribute to the superannuation fund an amount equal to five per centum

PART II —*cont.*

of their remuneration except in the case of manual workers in which case the amount shall be equal to four and one-sixth per centum of their remuneration; and

(ii) officers and servants who entered or who enter the employment of the Corporation on or after the twenty-eighth day of May, nineteen hundred and forty-four shall contribute to the superannuation fund as follows:—

Class of employee	*Percentage of remuneration*
Officers, other than officers to whom section 6 (1) (*a*) (i) of the Act of 1937, or section 6 (1) (*a*) (i) of the Local Government Superannuation Act, 1937, applies	Six
Officers to whom section 6 (1) (*a*) (i) of the Act of 1937, or section 6 (1) (*a*) (i) of the Local Government Superannuation Act, 1937, applies	Five
Servants	Five

(2) An officer or servant who—

(*a*) has attained such an age that he cannot, under the provisions of the superannuation scheme relating to qualifying periods of service and the age of compulsory retirement, become entitled to a superannuation allowance or a retirement pension; or

(*b*) has attained the age of seventy years; or

(*c*) being a female nurse, midwife or health visitor or a female member of the staff of a children's home or hostel to whom article 25 of the Scheme of 1955 applies, has attained the age of sixty-five years; or

(*d*) has completed not less than forty-five years' service and attained the age of not less than sixty-five years;

shall not contribute to the superannuation fund.

(3) The Corporation may deduct from the remuneration payable by them to officers and servants the contributions payable by such officers and servants to the superannuation fund.

Calculation of fractions in determining amount of superannuation contributions.

13. In calculating the amount of the contribution to the superannuation fund of any officer or servant a fraction of one penny amounting to one half-penny or less shall be disregarded and a fraction of one penny exceeding one half-penny shall be reckoned as one penny.

Provisions with respect to reduction or suspension, etc. of remuneration.

14.—(1) If an officer or servant is temporarily unable to perform his duties through sickness or disablement or any other cause and during such period or part thereof does not receive any remuneration, or receives remuneration at a reduced rate, the following provisions shall have effect:—

(*a*) unless otherwise requested by such officer or servant, the Corporation shall treat such period as continuous service for the purposes of the superannuation scheme, in which case the contributions to the superannuation fund of such

PART II —*cont.*

officer or servant and of the Corporation shall be calculated and paid as if such officer or servant had received his normal remuneration during such period, and the amount of any superannuation benefits shall be calculated accordingly; and

(*b*) if such officer or servant so requests, his contributions to the superannuation fund shall be suspended during such period, in which case such period shall not be reckoned as service for the purpose of the superannuation scheme.

(2) If the remuneration of an officer or servant over fifty-five years of age is reduced otherwise than in consequence of—

(*a*) the misconduct of such officer or servant; or

(*b*) a general revision of rates of remuneration;

such officer or servant may in his option contribute to the superannuation fund on the basis of the amount of his remuneration prior to such reduction, and the amount of any superannuation benefits shall be calculated accordingly.

(3) If an officer or servant is temporarily employed on work other than that in respect of which his normal remuneration is applicable, and his remuneration for such temporary work is different from his normal remuneration, his contribution to the superannuation fund and the amount of any superannuation benefits shall be calculated on the basis of his normal remuneration.

Equivalent contribution.

15. The Corporation shall contribute to the superannuation fund in each financial year a sum equal to the sum which has been contributed to the fund by the officers and servants during the financial year.

Reckoning of service

Reckoning of temporary service for superannuation purposes.

16. Where a person who becomes a contributor to the superannuation scheme was employed by the Corporation in a temporary capacity immediately before becoming such a contributor, the Corporation may, if application for the purpose is made by such person within six months of his becoming a contributor to the superannuation scheme, and on such terms and conditions as they think fit, resolve that the whole or any part of the service of such person in a temporary capacity shall be reckoned as contributing service for the purposes of the superannuation scheme.

Allowance for previous service of transferred officers and servants.

17. In calculating the amount of the superannuation benefit payable to or in respect of a transferred officer or servant—

(*a*) there shall be reckoned as service with the Corporation such service prior to the date of transference, including non-contributing service, as such officer or servant was entitled to have reckoned under the provisions of the Edinburgh Corporation Order, 1922, or under the provisions applicable to the transferred superannuation fund, as the case may be; and

(*b*) non-contributing service of any transferred officer or servant transferred to the Corporation from the education authority of the city of Edinburgh, the parish council of the city parish of Edinburgh or the Edinburgh District Board of Control shall

PART II —*cont.*

continue to be reckoned as contributing service and, notwithstanding anything in any enactment, the whole amount of any superannuation benefit payable to or in respect of any such transferred officer or servant shall be paid out of the superannuation fund.

Superannuation benefit in case of certain transfers of service.

18. Where an officer or servant had transferred to the Corporation from another local authority before the sixteenth day of May, nineteen hundred and thirty, the Corporation may, subject to such terms and conditions as they may think fit, determine that the period of service of such officer or servant with such other local authority, or such part thereof as they think fit, shall be reckoned for the purpose of computing the amount of superannuation benefit which may be granted to such officer or servant:

Provided that this section shall not apply in any case where paragraph (*a*) of the preceding section of this Order is applicable.

As to previous service with Edinburgh Sheriff Court House Commissioners.

19. Service with the Edinburgh Sheriff Court House Commissioners before the twentieth day of July, nineteen hundred and thirty-seven, shall not be reckoned for the purpose of computing the amount of superannuation benefits.

Reckoning service for part of a year.

20. In reckoning the service of an officer or servant for the purpose of calculating any superannuation benefit, any part of a year during which such officer or servant has served for more than six months shall be reckoned as a year.

Superannuation allowances to, and annuities for widows of, opting employees

Superannuation allowances to opting employees.

21.—(1) An opting employee shall be entitled, on ceasing to be employed by the Corporation, to receive an annual superannuation allowance if he has completed ten years aggregate service and—

(*a*) is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body; or

(*b*) has attained the age of sixty years.

(2) (*a*) The superannuation allowance to be made to any such opting employee shall, subject to the provisions of the superannuation scheme, be one-sixtieth of the average amount of his remuneration in respect of each completed year of aggregate service not exceeding forty-five years, so however that any number of years by which his aggregate service before attaining the age of sixty years exceeds forty years shall be disregarded.

(*b*) For the purposes of this subsection the average amount of remuneration of an opting employee shall be calculated by reference to the five years ending on the day on which he ceased to be employed.

(3) Any opting employee being a female nurse or health visitor shall be entitled, on ceasing to be employed by the Corporation, to receive a superannuation allowance according to the scale provided in the preceding subsection if she has completed thirty years service and has attained the age of fifty-five years.

PART II —*cont.*

Annuities for widows of opting employees.

22.—(1) If, within three months before becoming entitled to a superannuation allowance in accordance with the provisions of the preceding section, any opting employee has given notice in writing to the town clerk requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance, then, provided the Corporation are satisfied that the state of health of such person is reasonably satisfactory having regard to his age, the following provisions shall have effect:—

(*a*) the amount of the superannuation allowance payable to such employee (in this section called "the retired employee") shall be reduced by eleven per centum and, if his wife is younger than the retired employee, shall be further reduced as follows:—

(i) where the case falls within the table set out in the Second Schedule to this Order by an amount calculated in accordance with that table; and

(ii) in any other case, by such an amount as shall be certified by an actuary to be just; and

(*b*) if the wife of the retired employee in respect of whom the said notice was given survives him and does not cease before the date of his death to be his wife, she shall be entitled after his death to receive for life out of the superannuation fund an annuity equal to one-third of the annual amount of his superannuation allowance calculated as if it had not been reduced as aforesaid.

(2) The preceding subsection shall not apply in relation to an officer or servant who has not attained the age of sixty years when he ceases to hold his office or employment.

Return of contributions and forfeiture of claim to superannuation benefits

Return of contributions without interest in certain cases.

23. Subject to the provisions of this Part of this Order, an officer or servant who, before becoming entitled to a superannuation benefit, resigns, or is dismissed or in any way ceases to be employed by the Corporation shall be entitled to receive out of the superannuation fund a sum equal to the amount of his own contributions to the superannuation fund, but without interest thereon:

Provided that, if he is reappointed an officer or servant, his aggregate service previous to his ceasing to be employed by the Corporation shall not be reckoned as service for the purposes of the superannuation scheme unless within three months of such reappointment he repays to the superannuation fund the amount so received with compound interest thereon accumulating at the rate of three and one-half per centum per annum with half-yearly rests from the date when the return to him of such contributions was made and, if a period exceeding twelve months has elapsed he shall, for the purpose of his rate of contribution to the superannuation fund, be deemed to be a new entrant.

PART II —*cont.*

Return of contributions with interest in certain cases.

24. (*a*) Every transferred officer or servant who at the date of transference was a contributor to, or had any right or interest in, a transferred superannuation fund; and

(*b*) any officer or servant to whom section 6 (1) (*a*) (i) of the Act of 1937, or section 6 (1) (*a*) (i) of the Local Government Superannuation Act, 1937, applies

who, before becoming entitled to a superannuation benefit, ceases to be employed by the Corporation for any reason other than his voluntary resignation, or his resignation or dismissal in consequence of an offence of a fraudulent character, or in consequence of misconduct or inefficiency, shall be entitled to receive out of the superannuation fund a sum equal to the amount of his own contributions to the superannuation fund together with compound interest thereon, calculated to the date on which he ceased to hold his employment, at the rate of three per centum per annum with half-yearly rests, and the proviso to the preceding section shall, with any necessary modifications, apply to such officer or servant.

Return of contributions in case of death of opting employees.

25.—(1) If an opting employee dies before becoming entitled to, or receiving, a superannuation allowance the Corporation shall pay to his legal personal representatives out of the superannuation fund a sum equal to the amount of the contributions of such officer or servant to the superannuation fund, but without interest thereon.

(2) If an opting employee dies before he has received by way of superannuation allowance an amount in the aggregate equal to the amount of his own contributions but without interest thereon the Corporation shall pay to his legal personal representatives out of the superannuation fund the difference between the amount which such officer or servant has received by way of superannuation benefit and the sum to which such contributions amounted at the date of his retirement:

Provided that where, in the case of an opting employee to whom the provisions of section 22 (Annuities for widows of opting employees) of this Order have been applied, the total amount paid to such opting employee by way of superannuation allowance and to any widow of such opting employee by way of annuity is less than the amount of the contributions of such opting employee to the superannuation fund the Corporation may pay or apply the whole or any part of the balance to or for the benefit of the family of such opting employee.

Forfeiture of claim to superannuation benefits in certain cases.

26. An officer or servant who is dismissed or resigns or otherwise ceases to be employed by the Corporation in consequence of an offence of a fraudulent character or grave misconduct, being such an offence or such misconduct in connection with the performance of the duties of, or otherwise in relation to, his employment shall forfeit all claim to any superannuation benefit:

Provided that the Corporation may—

(*a*) return to such officer or servant out of the superannuation fund a sum equal to the amount of his own contributions

PART II —*cont.*

to the superannuation fund, but without interest thereon, or such part of such contributions as the Corporation shall think fit; or

(*b*) pay such sum or such part thereof to the wife or family of such officer or servant; or

(*c*) in the case of any such officer or servant who has completed ten years' aggregate service and has attained the age of sixty years, grant to such officer or servant a retirement pension and a retirement grant or, in the case of an officer or servant who exercised the option to retain existing rights conferred by article 26 of the scheme of 1955 and who continued to be a contributor to the superannuation fund without a disqualifying break of service until his dismissal or resignation or otherwise ceasing to hold his employment, a superannuation allowance, not exceeding the respective amounts to which he would have been entitled if he had been qualified for a retirement pension and a retirement grant or superannuation allowance, as the case may be, at the date he was dismissed or resigned or otherwise ceased to hold his employment.

General provision with respect to return of contributions.

27. For the purposes of the provisions of this Part of this Order relating to the return of contributions and forfeiture of claim to superannuation benefits the amount of the contributions of an officer or servant to the superannuation fund shall be deemed to include any contributions, or additional contributory payments, paid by him to any superannuation fund established under any enactment and which were transferred or repaid to the Corporation on such officer or servant entering their service.

General

Age of compulsory retirement.

28.—(1) Every officer and servant, and, subject to any enactment, every other person in the service of the Corporation, shall cease to hold his employment on attaining the age of sixty-five years:

Provided that the Corporation may, with the consent of any such officer or servant, extend the service of such officer or servant for one year or any less period and so from time to time as they deem expedient.

(2) The Corporation may require any female nurse or health visitor who has completed thirty years' service and has attained the age of fifty-five years to retire if they are satisfied that her retention in the service would not be in the interests of efficiency.

Re-employment of retired officers and servants.

29. The Corporation may, in any case where they consider it would be expedient in the interests of the public service to do so, re-employ any officer or servant who retired after attaining the age of sixty years and is in receipt of a superannuation allowance or a retirement pension, and the following provisions shall have effect in relation to such officer or servant unless otherwise determined by the Corporation:—

(*a*) payment of the superannuation allowance or retirement pension of such officer or servant shall be suspended while he is so re-employed if his remuneration is equal to, or in excess

PART II —*cont.*

of, the amount of such superannuation allowance or retirement pension, but if it is not, then only so much of such superannuation allowance or retirement pension as will make up the deficiency shall be paid so long as he is so re-employed; and

(*b*) such officer or servant shall not receive by way of superannuation allowance or retirement pension and remuneration an amount in excess of his remuneration at the date of his retiral.

Amendment of section 35 of Order of 1922.

30. Section 35 (Reckoning of service of officers or servants of transferred authority and tramway employees) of the Edinburgh Corporation Order, 1922, shall be read and have effect as if paragraph (3) were omitted.

Provisions as to payment of superannuation benefits, etc.

31.—(1) The following provisions shall have effect with respect to superannuation benefits:—

(*a*) if the person entitled to a superannuation benefit neglects to maintain any person whom he is liable to maintain, the Corporation may pay or apply the whole, or any part of, the superannuation benefit to or for the benefit of that person;

(*b*) if the person entitled to a superannuation benefit appears to the Corporation after consideration of a report by a registered medical practitioner to be incapable by reason of mental disorder from acting they may pay so much of the superannuation benefit as they think fit to the institution or person having the care of the person entitled to such superannuation benefit, but shall in such case pay any surplus for or towards the maintenance and benefit of any dependants of such person, except so far as any such surplus may be otherwise applied for the benefit of any such person;

(*c*) on the death of any person entitled to a superannuation benefit to whom a sum not exceeding five hundred pounds is due on account of such superannuation benefit, then, if the Corporation so direct, confirmation or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Corporation to be beneficially entitled to the personal estate of the deceased or to or among any one or more of these persons, and the Corporation shall be discharged from all liability in respect of any such payment or distribution;

(*d*) if the total estate of any person entitled to a superannuation benefit exceeds five hundred pounds after deduction of debts and funeral expenses any sums which may, under the provisions of the preceding paragraph, be paid or distributed by the Corporation to or among any persons other than the legal personal representatives of the deceased shall, notwithstanding such payment or distribution be treated for the purposes of estate duty as passing under the will or intestacy of the deceased;

PART II —*cont.*

(*e*) the Corporation, before paying or distributing any sums due to any persons entitled to a superannuation benefit to or among any persons other than the legal personal representatives of the deceased shall require—

(i) where the total estate of the deceased, including the amount of such sums does not, after deduction of debts and funeral expenses, exceed the value of five hundred pounds a declaration to that effect by the person or one of the persons to or among whom the Corporation propose to pay or distribute such sums; and

(ii) where the total estate of the deceased, including the amount of such moneys but after deduction of debts and funeral expenses, exceeds five hundred pounds the production of a certificate from the Commissioners of Inland Revenue to the effect either that any estate duty payable on the death of the deceased has been paid or that no such duty is payable;

(*f*) any sum under the provisions of this section payable to a minor may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the Corporation seems expedient; and

(*g*) the receipt by any person to whom any sum is paid under the provisions of this section shall be a good discharge for the sum so paid.

(2) The provisions of the preceding subsection shall, with any necessary modifications, apply and have effect with respect to contributions of officers and servants to the superannuation fund returned under the provisions of the superannuation scheme.

(3) Notwithstanding anything in any enactment the Corporation shall not be required to make any payment by way of superannuation benefit to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Superannuation benefits not assignable.

32. Section 64 (Superannuation allowance not assignable) of the Order of 1933 shall cease to have effect and the provisions of section 19 of the Act of 1937 shall, with any necessary modifications, apply with reference to superannuation benefits.

Medical examination for purposes of superannuation scheme.

33.—(1) For the purpose of the superannuation scheme the Corporation shall be entitled to require any officer or servant or any applicant for employment, to submit himself to medical examination by a registered medical practitioner.

(2) Article 8 of the Edinburgh Corporation (Superannuation) Modification Scheme, 1939, shall be read and have effect as if the reference therein to section 67 (Medical examination) of the Order of 1933 was a reference to this section.

PART II —*cont.*

34. Every officer or servant shall, upon being required to do so, produce satisfactory evidence to the Corporation of the date of his birth and of his period of service (otherwise than with the Corporation) which may form part of his service for the purposes of the superannuation scheme.

Proof of birth and of service.

35.—(1) Any question arising between the Corporation and any officer or servant, or the widow, dependants or legal personal representatives of any officer or servant as to—

(*a*) the amount of the contribution of such officer or servant; or

(*b*) the return of the contributions of such officer or servant; or

(*c*) the right to, or the amount of, any superannuation benefits;

shall be decided in the first instance by the Corporation and, if any officer or servant or the widow, dependants or legal personal representatives of any officer or servant, as the case may be, is or are dissatisfied with any such decision or with the Corporation's failure to come to a decision, shall be determined by the Secretary of State, whose determination shall be final.

Determination of superannuation questions and appeals to Secretary of State.

(2) The Secretary of State may at any stage of the proceedings on the reference to him, and shall, if so directed by the Court of Session, state in the form of a special case for the opinion of the Court of Session any question of law arising in those proceedings.

36. Nothing in this Part of this Order or in section 86 (Repeal of Acts, etc.) of this Order shall affect prejudicially—

(*a*) the rights of any existing officer or servant under the superannuation scheme; or

(*b*) the amount of any superannuation benefit payable to or in respect of any officer or servant who had retired before the commencement of this Order;

which shall continue as if the Act confirming this Order had not been passed.

Saving for existing officers and servants, etc. in respect of Part II of Order.

PART III

FIRE PRECAUTIONS

37. In this Part of this Order—

" animals " includes horses, cattle, sheep, swine, dogs, cats and poultry;

" gas indication plates " means plates indicating the position of the valve or cock on the service pipe by which a building is supplied with gas.

Definitions for Part III of Order.

PART III —*cont.*

Gas indication plates.

38.—(1) The Corporation may, by notice, require the owner of any building to which this section applies to affix gas indication plates in or on such building in such positions and within such period as may be specified in such notice.

(2) Gas indication plates shall be of such size, colour, type and construction as may be prescribed in the notice.

(3) Any person aggrieved by any notice under this section may appeal to the sheriff.

(4) Any person failing to comply with a notice under this section shall be guilty of an offence under this Order, and the Corporation may affix the gas indication plates required by such notice and recover the expense reasonably incurred by them in so doing from the person in default.

(5) This section applies to—

(*a*) any building supplied with gas through a service pipe of which the bore exceeds two inches; and

(*b*) any building supplied with gas through a service pipe of which the bore does not exceed two inches if such building is used or is to be used—

(i) as a public building;

(ii) as an hotel, restaurant, school, hospital, boarding-house, common lodging-house, farmed-out house, fried-fish shop or laundry; or

(iii) for any purpose which gives rise to an excessive risk of fire.

Gas indication plates to be maintained by owners.

39.—(1) The owner of any building in or on which gas indication plates have been affixed in accordance with the provisions of the preceding section or of the corresponding provisions of the repealed Acts shall maintain such plates in good order and condition, and shall from time to time replace any such plates, when worn out, by new gas indication plates of the like size, colour, type and construction.

(2) Any person failing to comply with the provisions of this section shall be guilty of an offence under this Order, and the Corporation may replace such gas indication plates and recover the expense reasonably incurred by them in so doing from the person in default.

Power to Corporation to provide gas indication plates.

40. The Corporation may purchase gas indication plates, and arrange with the owners or occupiers of any buildings to which section 38 (Gas indication plates) of this Order applies to affix, maintain and replace such plates in or on such buildings on such terms and conditions as may be agreed upon.

Penalty for interference with gas indication plates.

41. Any person knowingly covering, concealing, removing, altering, defacing or destroying any gas indication plate affixed in accordance with the provisions of this Part of this Order or of the corresponding provisions of the repealed Acts shall be guilty of an offence under this Order.

PART III —*cont.*

Fire precautions in buildings in which animals are housed.

42.—(1) Where any building to which this section applies is not provided with proper and sufficient means of escape for the animals therein in case of fire, or where the nature of the building is such, or the materials of which it is constructed are such, as to involve an undue risk to such animals in the event of fire the Corporation may by notice require the owner of such building, within a reasonable time to be specified in such notice, to provide such means of escape or to take such steps or carry out such works to minimise the risk to the animals housed in the building in the event of fire as in the circumstances can reasonably be required.

(2) Where the means of escape in case of fire provided in connection with any such building, or where any precautions against the risk in the event of fire to animals housed in any such building, have become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the Corporation may by notice require the owner within a reasonable time to be specified in such notice to make such alterations in the means of escape, or take such steps or carry out such works as may be reasonably necessary in the circumstances and, if so required by such notice, to provide further or other means of escape.

(3) Where any such building is also used for the storage of combustible materials, whether for the feeding or bedding of such animals or any other purpose, and the provision of fire-resisting walls, doors, fire-fighting appliances and other preventive or protective works or apparatus is necessary and reasonable with a view to minimising the risk of danger to such animals in the event of fire the Corporation may by notice require the owner, within a reasonable time to be specified in such notice, to provide such fire-resisting walls, doors, fire-fighting appliances and other preventive or protective works or apparatus as may be specified in the notice.

(4) Where the storage of combustible materials, whether for the feeding or bedding of animals or any other purpose in any such building constitutes or is likely to constitute a danger to such animals in the event of fire, the Corporation may by notice require the owner, within a reasonable time to be specified in such notice, to comply with such requirements as to the storage of such materials as may be prescribed in the notice.

(5) Any person aggrieved by any notice under this section may appeal to the sheriff.

(6) All structural works carried out, and all fire-fighting appliances provided, in accordance with the provisions of this section or the corresponding provisions of the repealed Acts shall be maintained by the occupier of the building in good and efficient condition at all times.

(7) Any person acting in contravention of any provision of this section, or failing without reasonable cause (the onus of showing such cause being on such person) to comply with any such provision or with any notice given thereunder shall be guilty of an offence under this Order.

PART III —*cont.*

(8) This section applies to any building used for the housing of animals other than animals kept as pets by the occupier of the building.

(9) Nothing in this section shall be in derogation of the Pet Animals Act, 1951.

Occupiers may be required to meet expenses with respect to requirements under Part III of Order.

43.—(1) If the owner of any building alleges that the occupier of such building should bear or contribute to the expense of complying with any requirement of the Corporation under this Part of this Order, he may apply to the sheriff, and the sheriff may make such order as appears just and equitable in all the circumstances.

(2) Any application under this section shall proceed by way of initial writ under the Sheriff Courts (Scotland) Acts, 1907 to 1939, and shall be disposed of as a summary application as defined in the said Acts.

Fire appliances in certain buildings.

44.—(1) The Corporation may, by notice, require the occupier of any building to which this section applies to provide in such building, within such period as may be specified in such notice, such portable, efficient and adequate fire-fighting appliances as may be specified in such notice.

(2) All fire-fighting appliances provided in any building to which this section applies shall be maintained by the occupier of such building in good and efficient condition at all times.

(3) Any person failing to comply with any requirement of the Corporation under subsection (1) of this section, or acting in contravention of the provisions of subsection (2) of this section, shall be guilty of an offence under this Order.

(4) Any person aggrieved by any notice under this section may appeal to the sheriff.

(5) This section applies to—

(*a*) any hotel, restaurant, school, hospital, boarding-house, common lodging-house, farmed-out house or fried-fish shop; and

(*b*) any shop, store or warehouse to which members of the public are admitted and in which more than twenty persons are employed.

PART IV

VALUATION OF LANDS AND HERITAGES

Valuation roll year.

45. Notwithstanding anything in the Valuation Acts the ordinary valuation roll for the city shall continue to come into force on the twenty-ninth day of May in each year and in their application to the city the Valuation Acts shall have effect accordingly.

Amendment of Lands Valuation (Scotland) Act, 1854, in its application to city.

46. In its application to the city the Lands Valuation (Scotland) Act, 1854, shall be read and have effect as if—

(*a*) in section 1—

the words " and designations " were omitted;

PART IV —*cont.*

(*b*) in section 5—

(i) the words " whether or not he has so appealed " were substituted for the words " without the necessity of such appeal ";

(ii) the word " at " was inserted between the words " the same " and " or sending ";

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

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

(*c*) in section 30—

the words " or designation " were omitted.

Penalty on factors, agents, etc. failing to make valuation returns or making false valuation returns.

47. In its application to the city section 7 of the Lands Valuation (Scotland) Act, 1854, shall have effect as if—

(*a*) the city assessor were also authorised to call upon any factor, agent or other person acting for or in name of any proprietor or reputed proprietor or tenant or occupier of any lands and heritages within the city for a written statement of the particulars with respect to such lands and heritages required by the said section, and as if such factor, agent or other person were also liable to the penalty provided by the said section for failure to furnish such written statement; and

(*b*) any such factor, agent or other person making a false statement of the yearly rent or value, or any other particulars of any such lands and heritages required to be furnished in accordance with the provisions of the said section were also liable to the penalty provided by the said section with respect to any such false statement.

PART V

BURIAL GROUNDS AND CREMATORIA

Definitions for Part V of Order.

48. In this Part of this Order—

" Act of 1925 " means the Church of Scotland (Property and Endowments) Act, 1925;

" burial ground " includes a cemetery and a churchyard;

" Burial Grounds Acts " means the Burial Grounds (Scotland) Act, 1855, and any Acts amending or extending the same;

" lair-holder " means the person for the time being having the exclusive right of burial in a grave or grave space and, where such right of burial has been exhausted, means the next of kin or the personal representative of the person whose remains were last interred in such grave or grave space;

" monument " includes a headstone, tombstone, memorial tablet, panel or plaque;

PART V —*cont.*

"railing" includes any kerbstone, cornerstone, fence, chain, wall, edge or other material marking or enclosing the site of a grave or of a monument.

Vesting of burial grounds.

49. All burial grounds vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and be held and used by them, subject, in the case of churchyards vested in the Corporation by virtue of the Act of 1925 and the Local Government (Scotland) Act, 1929, to the terms of the third proviso to subsection (1) of section 32 of the Act of 1925.

Corporation to continue to be burial authority for city.

50.—(1) The Corporation shall continue to be the burial authority for the city for the purposes of the Burial Grounds Acts and the Cremation Acts, 1902 and 1952.

(2) Notwithstanding anything contained in the Burial Grounds Acts the Corporation shall not be required to keep separate minutes, books and accounts relative to their functions under the Burial Grounds Acts.

Application of Burial Grounds (Scotland) Act, 1855.

51. In its application to the city section 10 of the Burial Grounds (Scotland) Act, 1855, shall be read and have effect as if the word "policy" were omitted therefrom.

Historical and other monuments in burial grounds.

52. The Corporation may repair and preserve historical and other monuments situated in any burial ground.

Power to accept sums for maintenance of graves, etc.

53. The Corporation may—

(*a*) enter into arrangements for maintaining lairs, graves or monuments in any burial ground vested in or administered by them; and

(*b*) for such purposes accept and apply any sums of money received by them under such arrangements.

Consent of Corporation as to burial grounds and crematoria.

54. A person shall not, except with the consent of the Corporation, lay out any burial ground or erect any crematorium, or extend or enlarge any existing burial ground or crematorium:

Provided that this section shall not apply with respect to any land vested in the Edinburgh Cemetery Company Limited at Whitsunday nineteen hundred and twenty-one in connection with any of their burial grounds.

Byelaws for burial grounds and crematoria.

55.—(1) The Corporation may, for the protection of the public health and amenity and the maintenance of public decency, make byelaws for the regulation and preservation of burial grounds and crematoria.

(2) Any such byelaws may be made so as to apply only to such burial grounds or crematoria as may be specified in the byelaws and may contain different provisions for different burial grounds and crematoria.

PART V —*cont.*

Restrictions on interments except in burial grounds.

56.—(1) A person shall not, except with the consent of the Corporation, inter or deposit, or cause or permit to be interred or deposited, any human remains (other than the ashes of any body which has been cremated) in any place other than a burial ground.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence under this Order.

Extension of power to maintain burial grounds.

57.—(1) The powers of the Corporation in relation to any burial ground vested in or administered by them shall include power—

(*a*) to level any grave therein; and

(*b*) to remove—

(i) any monument which in their opinion is in an unsound or dilapidated condition; and

(ii) any railing.

(2) At least one month before exercising any of the powers conferred on them by the preceding subsection the Corporation shall give notice of their intention to the lair-holder of any grave or grave space affected by the proposals unless that person cannot be found and, where a church is situated within a burial ground, to the authorities of that church:

Provided that if any monument or railing to which such proposal relates is in such a condition that in the opinion of the Corporation it constitutes an imminent danger to persons resorting to the burial ground it shall not be necessary for them to give such notice but in that case they shall as soon as possible after the exercise by them of such power give notice of such exercise to such lair-holder unless that person cannot be found and, where a church is situated within a burial ground, to the authorities of that church.

(3) A notice required to be given under the preceding subsection shall—

(i) contain brief particulars of the Corporation's proposals and if necessary, specify an address at which full particulars of the proposals can be obtained;

(ii) state the effect of the next subsection;

(iii) be deemed to have been properly addressed if it is sent to the person concerned by letter addressed to his last known address.

(4) (*a*) If notice of objection to the proposals is given to the Corporation by any lair-holder concerned within the period specified in subsection (2) of this section and is not withdrawn the proposals to which the objection relates shall not be carried out without the consent of the Secretary of State.

(*b*) In any case where the Corporation apply to the Secretary of State for such consent they shall intimate the Secretary of State's decision to the lair-holder who has given notice of objection.

(5) If any monument or railing removed under this section is not claimed within three months after the date of its removal the Corporation may put the same to such use as they think appropriate or may destroy it.

PART V —*cont.*

(6) The Corporation shall, so far as reasonably practicable, cause to be made a record of each monument removed under this section and shall deposit a copy of such record with the Registrar-General.

PART VI

PEDESTRIAN SUBWAYS

Construction of pedestrian subways.

58.—(1) For the purpose of protecting traffic along a public street from danger, or of making the crossing of it less dangerous to pedestrians, the Corporation may construct and maintain subways under the street for the use of pedestrians with all necessary accesses thereto and concourses therein (all of which are hereinafter in this Part of this Order referred to as " subways ") and shall make provision for ventilating, lighting and draining any such subway and may alter or remove any such subway and may close it temporarily:

Provided that the temporary closing of any pedestrian subway shall not prejudice or affect the right of the Postmaster General—

(*a*) to maintain, inspect, repair, renew or remove any telegraphic line under, in, upon, over, along or across that subway; or

(*b*) to enter upon or break open that subway for the purposes of such maintenance, inspection, repair, renewal or removal.

(2) The Corporation may, in connection with any subway provided by them under the provisions of this section—

(*a*) provide and maintain escalators or other mechanical means of transporting persons;

(*b*) provide and maintain shops, kiosks, display windows, advertising sites, conveniences and waiting rooms; and

(*c*) make byelaws for the regulation, control and protection of such subway.

(3) Notwithstanding anything in any enactment it shall not be lawful for any person to enter upon, break up or interfere with any subway for the purpose of laying down any main, pipe, cable or wire, or executing any work therein or thereunder, except with the consent of the Corporation and in accordance with such terms and conditions as the Corporation may prescribe.

Byelaws prohibiting, etc. pedestrians crossing streets where subways have been constructed.

59. The Corporation may, when they have constructed a subway under a public street under the powers of this Part of this Order, make byelaws prohibiting or restricting the crossing of such street, and of any adjacent streets served by such subway, by pedestrians otherwise than by such subway at any point within one hundred yards of any entrance to such subway or within such lesser distance therefrom as the byelaws may prescribe.

Subways to be constructed only under public streets or lands vested, etc. in Corporation.

60. The construction by the Corporation of a subway under the powers of this Part of this Order shall be carried out only under a public street or under any lands vested in the Corporation or in which they have obtained sufficient servitude or other rights.

PART VI —*cont.*

Subsoil, etc. of streets may be appropriated for purpose of subways.

61. In the case of any subway constructed under the powers of this Part of this Order the Corporation may enter upon, take, use and appropriate so much of the subsoil and under-surface of any public street as is necessary for the construction of such subway without being required to purchase the said subsoil or under-surface or any servitudes therein.

Application of Public Utilities Street Works Act, 1950, to subways.

62. In relation to any subway constructed under the powers of this Part of this Order to which, apart from this section, the provisions contained in Part II of the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the construction of the subway were works executed in a street for road purposes and were mentioned in paragraph (*a*) of subsection (1) of section 21 of that Act.

General saving for Postmaster General in respect of Part VI of Order.

63. Nothing in this Part of this Order shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

PART VII

MISCELLANEOUS

Schedule G to Salmon Fisheries (Scotland) Act, 1868, not to apply to Fruid Reservoir.

64. Nothing in the provisions of Schedule G to the Salmon Fisheries (Scotland) Act, 1868, shall apply in relation to the works authorised by the Edinburgh Corporation (Fruid Reservoir, etc.) Water Order, 1962.

Shelters or waiting rooms.

65. The Corporation may provide and maintain sheds, shelters or waiting rooms for the accommodation of persons intending to travel on their public service vehicles and of their employees and for that purpose may use portions of public streets.

Statues and monuments.

66. The Corporation may—

(*a*) erect and maintain, or authorise the erection and maintenance of, any statue or monument in any street, public park or other public place; and

(*b*) remove to another site any statue or monument which has been taken over or is maintained by the Corporation.

Direction signs.

67.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any building or place at or near to the corner of any street, signs indicating the direction or the distance to towns, railway stations, public buildings and other places of a public character.

(2) Before putting up or painting a sign on any building or place the Corporation shall give notice to the owner of such building or place and any owner aggrieved by such notice may appeal to the sheriff.

(3) Any person who wilfully and without the consent of the Corporation obscures, removes or alters any such sign shall be guilty of an offence under this Order.

PART VII —*cont.*

(4) The exercise of the powers conferred by this section shall be subject—

(*a*) to the provisions of the Road Traffic Act, 1960, with respect to traffic signs ; and

(*b*) to any regulations made or any general or other directions given by the Minister of Transport and the Secretary of State or the appropriate Minister within the meaning of the said provisions, as the case may be, in pursuance of the said provisions.

Power to stop up Warriston Close.

68.—(1) The Corporation may permanently stop up Warriston Close.

(2) On the exercise by the Corporation of the powers conferred on them by the preceding subsection the solum of Warriston Close shall be vested in the Corporation freed and discharged from the public use thereof.

As to maintenance of footway of Lothian Road.

69. The Corporation may from time to time, on giving reasonable notice to the authorities of the respective churches, enter upon the churchyards or burial grounds of, and land attached to or adjoining, the Church of St. John the Evangelist and St. Cuthbert's Parish Church for the purpose of maintaining and renewing the footway of Lothian Road and the piers supporting the same.

Removal of articles from streets.

70.—(1) (*a*) If any article is placed or dropped (whether accidentally or otherwise) in or upon any street and is allowed to remain in such street—

(i) to the obstruction, annoyance or danger of the residents or passengers; or

(ii) for more than seven days;

any constable or any officer of the Corporation authorised to that effect may remove and store such article.

(*b*) A constable or an authorised officer of the Corporation shall not be liable for any loss or damage caused by such removal or storage.

(2) In any case where a constable or an authorised officer of the Corporation removes any article under the powers of this section—

(*a*) he shall, if and as soon as it is reasonably practicable, notify the person whom he believes to be the owner thereof;

(*b*) on the expiry of twenty-eight days from the date of such notification, or six months from the day on which such article was removed, whichever shall first occur—

(i) such article may be sold by the Corporation; or

(ii) if in the opinion of the chief constable (in the case of an article removed by a constable) or the authorised officer (in the case of any article removed by such authorised officer) such article has not a saleable value, he may cause it to be destroyed or otherwise disposed of; and

(*c*) the proceeds of any article sold under the powers of this section (after deducting any expense reasonably incurred in relation to its removal, storage and sale) shall be paid to the person to whom such article belonged:

PART VII —*cont.*

Provided that in any case where the owner is unknown, or his whereabouts cannot be ascertained, if on the expiry of twelve months from the date of any such sale such proceeds have not been claimed by the owner, the right of the owner to such proceeds shall lapse and such proceeds shall vest in the Corporation and shall be applied by them in such manner as they may think fit.

(3) Nothing in this section shall apply to any vehicle to which the Removal of Vehicles (Scotland) Regulations, 1961, apply.

Amendment of sections 66 and 141 of Order of 1926.

71. The Order of 1926 shall be read and have effect as if—

(*a*) the words " dwelling-house or any " were inserted before the word " internal " in section 66 (Bakehouses, dairies, milkshops, etc.); and

(*b*) the words " or surface water drain " were inserted after the word " sewer " in section 141 (Power to make sewers).

Amendment of section 23 of Order of 1933.

72. The reference to the Little France Bridge on the Old Dalkeith Road in the Fourth Schedule to the Order of 1933 shall be omitted therefrom and section 23 (Joint bridges) of the Order of 1933 shall be read and construed accordingly.

Proceedings subsequent to conviction.

73. Where in consequence of the requirements of the city Acts or of any other enactment it is necessary that any warrant of imprisonment or other warrant should be granted subsequent to the conviction or judgment, or where any other ulterior proceeding is enjoined, all such warrants or ulterior proceedings may be taken without the presence of the accused or respondent.

PART VIII

GENERAL

As to expenditure for purposes of Order.

74. All expenditure incurred by or on behalf of the Corporation in the exercise of their functions under this Order and the byelaws made thereunder, or under any corresponding provisions of the repealed Acts, and not otherwise recovered as provided in this Order shall be defrayed out of the burgh fund.

Borrowing for purposes of Order.

75.—(1) The Corporation may from time to time borrow such money as may be necessary for the purposes of this Order to which capital is properly applicable and for which borrowing powers are not otherwise available in the same manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947.

(2) Notwithstanding anything contained in section 262 of the Act of 1947 any money borrowed for such purposes shall be repaid within forty years from the date or dates of borrowing the same.

Saving for control on borrowing.

76. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, or of section 259 of the Act of 1947.

PART VIII —*cont.*

Acquisition of land for purposes of Order.

77.—(1) The Corporation may acquire by agreement whether by way of purchase, feu, lease or excambion, any land for the purposes of any of their functions under this Order for the acquisition of which powers are not otherwise available.

(2) (*a*) The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purposes of any of their functions under Part VI (Pedestrian Subways) of this Order, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

(*b*) Nothing in this subsection shall authorise the compulsory acquisition of any operational land of any railway, canal, dock, harbour, gas or electricity undertakers.

Confirming authority for byelaws.

78.—(1) As respects byelaws made under this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the Secretary of State.

(2) The provisions of section 301 of the Act of 1947 shall (except as regards byelaws made by the Corporation under section 271 (Byelaws as to sale of coal and as to personal weighing-machines) of the Order of 1933) apply to the making of byelaws by the Corporation under any of the city Acts passed before the commencement of the Act of 1947 and to the confirmation thereof, in substitution for the provisions of the city Acts relating thereto, and the confirming authority for the purposes of the said section 301 shall be the Secretary of State.

Penalties for offences under Order.

79.—(1) Any person guilty of an offence under this Order shall be liable on summary conviction to a penalty not exceeding the penalty specified in the Third Schedule to this Order in relation to such offence.

(2) Where the contravention in respect of which any person is convicted of an offence under any provision of this Order is continued after conviction the person convicted shall be guilty of a further offence of a like nature and shall be liable on summary conviction to a further fine not exceeding for each day or part of a day during which the contravention is shown to have been so continued one-half of the maximum fine appropriate to the original offence.

Application of certain sections of Orders of 1958 and 1961.

80. The sections hereinafter specified of the Orders of 1958 and 1961, so far as the same are not varied by or inconsistent with the provisions of this Order, shall, with any necessary modifications, extend and apply in reference to the provisions of this Order as fully and effectually as if those sections had been re-enacted in this Order, that is to say:—

Order of 1958—

Section 255 (Powers of Order to be cumulative);
Section 256 (Interpretation of " provide ");
Section 260 (Appeals to sheriff);
Section 261 (Breach of conditions of consent);

PART VIII —*cont.*

Order of 1961—

Section 207 (Penalty for aiding and abetting offences under Order and byelaws);

Section 208 (Offences by bodies corporate);

Section 252 (Mode of reference to arbitration).

Crown rights.

81. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for town and country planning.

82. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act, 1947, for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Saving for transport commission and public service vehicle operators in respect of certain works.

83. Nothing in the following sections of this Order:—

Section 58 (Construction of pedestrian subways);

Section 65 (Shelters or waiting rooms); or

Section 66 (Statues and monuments);

shall empower the Corporation to interfere with, or render less convenient the access to, or exit from, any station or depot of the transport commission or of any operators of public service vehicles.

Saving for Postmaster General in respect of certain works.

84. Where a shed, shelter or waiting room is provided by the Corporation under section 65 (Shelters or waiting rooms) of this Order in a position obstructing access to any telegraphic line and the Postmaster General notifies the Corporation that he requires to obtain access to that line the Corporation shall, unless they temporarily remove the shed, shelter or waiting room, for the purpose of affording such access, or so much thereof as is necessary for that purpose, be liable to repay to the Postmaster General so much of the expenses reasonably incurred by him in obtaining such access as is attributable to the situation of the shed, shelter or waiting room, and any dispute as to the amount (if any) payable by the Corporation under this subsection shall be settled by arbitration.

Saving for electricity and gas boards in respect of certain works.

85.—(1) In this section—

"apparatus" in relation to the South of Scotland Electricity Board, means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882), belonging to the said board; and, in relation to the Scottish Gas Board, means mains, pipes or other apparatus belonging to or maintained by that board; and in relation to each of the said boards, includes works constructed for the lodging of apparatus therein; and

PART VIII —*cont.*

"the undertakers" means the South of Scotland Electricity Board and the Scottish Gas Board, or either of them, as the case may require.

(2) (*a*) Where, in consequence of the construction of any subway under the powers conferred by section 58 (Construction of pedestrian subways) of this Order any apparatus is required to be so diverted as to pass under such subway, then—

(i) the undertakers shall be entitled to recover from the Corporation any additional expense reasonably incurred by them in consequence of the diversion in breaking open or reinstating any street or in inspecting, maintaining, repairing, removing or renewing the apparatus; and

(ii) without prejudice to the generality of the preceding paragraph, the Scottish Gas Board shall be entitled to recover from the Corporation any expense reasonably incurred by that board in providing, installing, inspecting and maintaining any siphon the provision of which is necessary in consequence of the diversion.

(*b*) In exercising their powers under the said section 58 the Corporation shall cause as little inconvenience in relation to access by the undertakers to apparatus as the circumstances of the case will admit.

(3) If it is necessary, in consequence of the exercise by the Corporation of the powers conferred by section 65 (Shelters or waiting rooms) and section 66 (Statues and monuments) of this Order for the undertakers to divert, relay or replace any apparatus the Corporation shall—

(i) give to the undertakers not less than twenty-eight days' notice in writing of their intention to exercise the said powers, together with a description of the works proposed to be carried out; and

(ii) repay to the undertakers their reasonable expense of diverting, relaying or replacing any apparatus required to be so diverted, relayed or replaced:

Provided that the foregoing provisions of this subsection shall not apply in any case where the works carried out by the Corporation are works to which Part II of the Public Utilities Street Works Act, 1950, applies.

(4) Any difference arising under this section between the Corporation and the undertakers shall be settled by arbitration.

Repeal of Acts, etc.

86. Subject to the provisions of this Order the provisions of the Acts, Orders and Schemes specified in the Fourth Schedule to this Order (so far as not already repealed) are hereby repealed to the extent indicated in the third column of that schedule:

Provided that as regards the Edinburgh and Midlothian Water Order Confirmation Act, 1949, the repeal of section 18 (Provisions as to transferred debts) of the Order scheduled thereto shall not take effect until the twenty-eighth day of May, nineteen hundred and sixty-four.

PART VIII —*cont.*

Saving from effect of repeal.

87.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

(*a*) all existing agreements made by the Corporation or their predecessors under or confirmed by any of the repealed Acts shall, so far as subsisting and in force at the commencement of this Order, continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;

(*b*) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts, works, matters and things done or commenced under the powers of the repealed Acts which were valid and available or in progress at the commencement of this Order, and all existing notices, notices to treat, agreements, awards, conveyances, contracts, titles, covenants, deeds, instruments, feus, leases, wayleaves, obligations, rights and remedies shall continue valid and available for all purposes and for and against all parties and may be continued, enforced and completed as if the Act confirming this Order had not been passed;

(*c*) all existing annuities, bonds, mortgages or other securities made, granted, payable or created by the Corporation or their predecessors under any of the repealed Acts shall continue valid and available for all purposes as if the Act confirming this Order had not been passed;

(*d*) all actions, arbitrations, submissions, prosecutions and proceedings by, with or against the Corporation by reason of any matters or things done before the commencement of this Order in execution of, or in relation to, the repealed Acts may be continued, commenced or prosecuted by, with or against the Corporation as if the Act confirming this Order had not been passed;

(*e*) all prosecutions in respect of offences against any provision of the repealed Acts initiated before the repeal of such provision may be continued as if the Act confirming this Order had not been passed;

(*f*) all existing byelaws, rules, regulations, orders, licences, registrations, consents, sanctions, permissions and approvals and things done in execution of or in relation to, or granted in pursuance of, the repealed Acts shall continue in force until repealed, altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for the like purposes respectively under the provisions of this Order;

(*g*) all sums due at the commencement of this Order to the Corporation under or in respect of the repealed Acts may be collected and recovered by them as if the Act confirming this Order had not been passed;

PART VIII —*cont.*

(*h*) all books, registers, deeds, plans, documents and writings which under the repealed Acts would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed;

(*i*) the Corporation shall continue to be the highway authority for the section of the Edinburgh—Newcastle-upon-Tyne Trunk Road (A68) from a point one hundred and fifty yards or thereby north-west of the bridge carrying the said road over Burdiehouse Burn to a point in an easterly direction near its junction with Edmonstone Road (a total length of approximately decimal point nine eight of a mile).

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act, 1889.

Costs of Order.

88. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh fund in such manner as the Corporation may determine.

FIRST SCHEDULE

Section 12.

SCALE OF CONTRIBUTIONS OF OFFICERS AND SERVANTS WHO BECAME CONTRIBUTORS TO THE SUPERANNUATION FUND ON OR BEFORE 16TH MAY, 1930

1. In the case of an officer or servant who is a contributor to the superannuation fund and who at the sixteenth day of May, nineteen hundred and twenty-three, or at the date of his becoming a contributor if subsequent to that date, was not over twenty-five years of age, three per centum of his remuneration.

2. In the case of an officer or servant who is a contributor to the superannuation fund and who at the sixteenth day of May, nineteen hundred and twenty-three, or at the date of his becoming a contributor if subsequent to that date, was over twenty-five years of age and under thirty-five years of age, three and one-half per centum of his remuneration.

3. In the case of an officer or servant who is a contributor to the superannuation fund and who at the date of his becoming a contributor was over thirty-five years of age, four per centum of his remuneration.

SECOND SCHEDULE

Section 22.

ADDITIONAL REDUCTIONS OF SUPERANNUATION ALLOWANCE IN RESPECT OF ANNUITIES FOR WIDOWS

Difference of age between husband and wife	Further percentage reduction from husband's superannuation allowance
Less than 1 year	1 per centum
1 year and less than 2 years ...	2 „ „
2 years „ „ 3 „ ...	3 „ „
3 „ „ „ 4 „ ...	3¾ „ „
4 „ „ „ 5 „ ...	4½ „ „
5 „ „ „ 6 „ ...	5¼ „ „
6 „ „ „ 7 „ ...	6 „ „
7 „ „ „ 8 „ ...	6¾ „ „
8 „ „ „ 9 „ ...	7½ „ „
9 „ „ „ 10 „ ...	8¼ „ „
10 „ „ „ 11 „ ...	9 „ „

Section 79.

THIRD SCHEDULE

MAXIMUM PENALTIES FOR OFFENCES UNDER ORDER

Provision of Order contravened	Maximum fine
Subsection (4) of section 38 (Gas indication plates)	£25
Section 39 (Gas indication plates to be maintained by owners)	£25
Section 41 (Penalty for interference with gas indication plates)	£25
Section 42 (Fire precautions in buildings in which animals are housed)	£25
Subsection (1) or (2) of section 44 (Fire appliances in certain buildings)	£25
Section 56 (Restrictions on interments except in burial grounds)	£25
Subsection (3) of section 67 (Direction signs)	£10

Section 86

FOURTH SCHEDULE

ACTS, ORDERS AND SCHEMES REPEALED

Session and chapter or number of statutory instrument	Title of Act, Order or Scheme	Extent of repeal
56 Geo. 3 c. xli	An Act to enable the Lord Provost, Magistrates and Council of the City of Edinburgh to carry into effect certain Purposes in regard to the Erection of a Chapel at the West End of Prince's Street, and for effecting certain Improvements in the Neighbourhood thereof, and in other Parts of the extended Royalty of the said City 1816	The whole Act so far as not already repealed, except section XIII.
3 Vict. c. xvii	An Act for abolishing certain Petty and Market Customs in the City of Edinburgh, and granting other Duties in lieu thereof 1840	The whole Act so far as not already repealed.
52 & 53 Vict. c. cvi	Water of Leith Purification and Sewerage Act, 1889	Sections 114 to 116 inclusive.

4TH SCH —*cont.*

Session and chapter or number of statutory instrument	Title of Act, Order or Scheme	Extent of repeal
57 & 58 Vict. c. lv	Edinburgh and Leith Corporations Gas (Additional Powers) Act, 1894	The whole Act so far as not already repealed.
8 Edw. 7 c. clxiii	Water of Leith Purification and Sewerage Order Confirmation Act, 1908	Section 49 of the Order scheduled thereto.
16 & 17 Geo. 5 c. xxii	Edinburgh Corporation (General Powers) Order Confirmation Act, 1926	Section 18 of the Order scheduled thereto.
16 & 17 Geo. 5 c. lxv	Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act, 1926	Sections 82, 207, 214 and 219 of the Order scheduled thereto.
20 Geo. 5 c. xlvii	Edinburgh Corporation Order Confirmation Act, 1930	Section 28 of the Order scheduled thereto.
22 Geo. 5 c. vii	Edinburgh Corporation Order Confirmation Act, 1932	Sections 5, 58, 59, 185, the proviso to section 201, and section 203 of the Order scheduled thereto.
24 Geo. 5 c. v	Edinburgh Corporation Order Confirmation Act, 1933	Sections 6, 7, Part IV (except sections 69, 71 and 72), sections 124, 131, 212, 214 to 217 inclusive, 304, paragraph (2) of section 312, sections 314 to 318 inclusive, sections 345, 350 and 367 and the proviso to section 368 of, and the Fifth Schedule to, the Order scheduled thereto.
24 & 25 Geo. 5 c. xxx	Edinburgh Corporation Order Confirmation Act, 1934	The whole of the Act and the Order scheduled thereto, so far as not already repealed.
25 Geo. 5 c. iii	Edinburgh Corporation (Tramways &c.) Order Confirmation Act, 1935	The whole of the Act and the Order scheduled thereto so far as not already repealed.
1 Edw. 8 & 1 Geo. 6 c. lxxxiv	Edinburgh Corporation Order Confirmation Act, 1937	The whole of the Act and the Order scheduled thereto so far as not already repealed.

4TH SCH. —*cont.*

Session and chapter or number of statutory instrument	Title of Act, Order or Scheme	Extent of repeal
	The Edinburgh Corporation (Superannuation) Modification Scheme, 1939	Article 10 and articles 13 to 18 inclusive.
	The Scheme (No. 3) under section 55 of the Edinburgh Corporation Order, 1933, for making good an actuarial deficiency and for other purposes 1944	Paragraph (7).
10 & 11 Geo. 6 c. iv	Forth Road Bridge Order Confirmation Act, 1947	Section 11 of the Order scheduled thereto.
12 & 13 Geo. 6 c. xx	Edinburgh and Midlothian Water Order Confirmation Act, 1949	The whole of the Act and the Order scheduled thereto so far as not already repealed.
14 Geo. 6 c. xxvii	Edinburgh Corporation Order Confirmation Act, 1950	Sections 27 to 30 inclusive, 32, 33, 34, 57, Parts VI and VII, section 71, the words from "and 'rates'" in subsection (2) of section 95 to the end of the section, and sections 96 and 97, of the Order scheduled thereto.
2 & 3 Eliz. 2 c. xxi	Edinburgh Corporation Order Confirmation Act, 1954	The whole of the Act and the Order scheduled thereto so far as not already repealed.
1955 No. 1518	The Edinburgh Corporation Superannuation Modification Scheme Approval Instrument, 1955	Articles 7, 9, 13 (4) and 20 (3) of the Scheme annexed thereto.
7 Eliz. 2 c. v	Edinburgh Corporation Order Confirmation Act, 1958	The proviso to subsection (1) of section 7, in subsection (2) of section 7 the words "(as altered in accordance with the proviso to subsection (1) of this section)", subsections (4) and (5) of section 7, and sections 17 and 243 of the Order scheduled thereto.
10 & 11 Eliz. 2 c. ii	Edinburgh Corporation Order Confirmation Act, 1961	Section 233 of the Order scheduled thereto.

Table of Statutes referred to in this Act other than those referred to in the Fourth Schedule

Short title	Session and chapter
Lands Valuation (Scotland) Act 1854 ..	17 & 18 Vict. c. 91.
Burial Grounds (Scotland) Act 1855 ..	18 & 19 Vict. c. 68.
Salmon Fisheries (Scotland) Act 1868 ..	31 & 32 Vict. c. 123.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56
Interpretation Act 1889	52 & 53 Vict. c. 63.
Asylum Officers Superannuation Act 1909	9 Edw. 7 c. 48.
Asylums and Certified Institutions (Officers Pensions) Act 1918	8 & 9 Geo. 5 c. 33.
Edinburgh Boundaries Extension and Tramways Act 1920	10 & 11 Geo. 5 c. lxxxvii.
Church of Scotland (Property and Endowments) Act 1925	15 & 16 Geo. 5 c. 33.
Rating (Scotland) Act 1926	16 & 17 Geo. 5 c. 47.
Local Government (Scotland) Act 1929 ..	19 & 20 Geo. 5 c. 25.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Local Government Superannuation (Scotland) Act 1937	1 Edw. 8 & 1 Geo. 6 c. 69.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947	10 & 11 Geo. 6 c. 42.
Local Government (Scotland) Act 1947 ..	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6 c. 53.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Pet Animals Act 1951	14 & 15 Geo. 6 c. 35.
Valuation and Rating (Scotland) Act 1956	4 & 5 Eliz. 2 c. 60.
Road Traffic Act 1960	8 & 9 Eliz. 2 c. 16.

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Paisley Corporation Order Confirmation Act 1962

11 ELIZ. 2 **Ch. iii**

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

PAISLEY CORPORATION

PART I

PRELIMINARY

1. Short title.
2. Commencement of Order.
3. Interpretation.
4. Incorporation of Acts.

PART II

WHITE CART WATER

A. Works

5. Power to construct works.
6. Power to deviate.
7. Powers as to subsidiary works.
8. Penalty for obstructing works.
9. Powers to cease in certain events.
10. Power to maintain river.

B. Miscellaneous

11. Access to works.
12. Extinction of rights of navigation.
13. Preservation of amenities of the Navigation.

PART III

PUBLIC HEALTH AND SAFETY

A. Hairdressers and barbers

14. Hairdressers and barbers to be registered.
15. Byelaws as to hairdressers and barbers, etc.

Section

16. Power of court to suspend registration of hairdressers and barbers.
17. Fine for offences under head A of Part III.

B. Miscellaneous

18. Derelict petrol tanks.

PART IV

STREET TRADING

A. Definitions for Part IV of Order

19. Definitions for Part IV of Order.

B. Street traders and others

20. Regulation of street traders.
21. Notice of refusal or revocation of permit.
22. Byelaws as to street trading.
23. Savings in respect of head B of Part IV.

PART V

CHIMNEY SWEEPS AND WINDOW CLEANERS

24. Chimney sweeps and window cleaners to be licensed.
25. Power to Corporation to revoke or suspend licences.
26. Restriction on power of Corporation to refuse, revoke or suspend licences.
27. Appeals.
28. Form and conditions of licences.
29. Penalty for sweeping chimneys or cleaning windows without licence.

PART VI

FINANCIAL

30. As to expenditure for purposes of Order.
31. Borrowing for purposes of Order.
32. Application of moneys borrowed.
33. Saving for control on borrowing.

PART VII

MISCELLANEOUS AND GENERAL

34. Amendment of section 105 of Burgh Police (Scotland) Act, 1892.

Section

35. Filling of casual vacancies in Corporation.
36. As to width of new streets.
37. As to minor constructions.
38. Appeals to sheriff.
39. Confirming authority for byelaws.
40. Crown rights.
41. Saving for town and country planning.
42. Costs of Order.

Edinburgh Corporation Order Confirmation Act 1962

11 ELIZ. 2 **Ch. ii**

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

EDINBURGH CORPORATION

PART I

1. Short title.
2. Commencement of Order.
3. Interpretation.
4. Limits of Order.

PART II

SUPERANNUATION

Definitions for superannuation purposes

5. Definitions for Part II of Order.
6. Definitions for purposes of superannuation scheme.

Vesting, management, investment and valuation of superannuation fund

7. Vesting of superannuation fund.
8. Payments into superannuation fund.
9. Payments out of superannuation fund.
10. Investment of superannuation fund.
11. Actuary's certificates and periodical valuation of superannuation fund.

Contributions to superannuation fund

Section
12. Contributions of officers and servants to superannuation fund.
13. Calculation of fractions in determining amount of superannuation contributions.
14. Provisions with respect to reduction or suspension, etc. of remuneration.
15. Equivalent contribution.

Reckoning of service

16. Reckoning of temporary service for superannuation purposes.
17. Allowance for previous service of transferred officers and servants.
18. Superannuation benefit in case of certain transfers of service.
19. As to previous service with Edinburgh Sheriff Court House Commissioners.
20. Reckoning service for part of a year.

Superannuation allowances to, and annuities for widows of, opting employees

21. Superannuation allowances to opting employees.
22. Annuities for widows of opting employees.

Return of contributions and forfeiture of claim to superannuation benefits

23. Return of contributions without interest in certain cases.
24. Return of contributions with interest in certain cases.
25. Return of contributions in case of death of opting employees.
26. Forfeiture of claim to superannuation benefits in certain cases.
27. General provision with respect to return of contributions.

General

28. Age of compulsory retirement.
29. Re-employment of retired officers and servants.
30. Amendment of section 35 of Order of 1922.
31. Provisions as to payment of superannuation benefits, etc.
32. Superannuation benefits not assignable.
33. Medical examination for purposes of superannuation scheme.
34. Proof of birth and of service.
35. Determination of superannuation questions and appeals to Secretary of State.
36. Saving for existing officers and servants, etc. in respect of Part II of Order.

PART III
FIRE PRECAUTIONS

Section
37. Definitions for Part III of Order.
38. Gas indication plates.
39. Gas indication plates to be maintained by owners.
40. Power to Corporation to provide gas indication plates.
41. Penalty for interference with gas indication plates.
42. Fire precautions in buildings in which animals are housed.
43. Occupiers may be required to meet expenses with respect to requirements under Part III of Order.
44. Fire appliances in certain buildings.

PART IV
VALUATION OF LANDS AND HERITAGES

45. Valuation roll year.
46. Amendment of Lands Valuation (Scotland) Act, 1854, in its application to city.
47. Penalty on factors, agents, etc. failing to make valuation returns or making false valuation returns.

PART V
BURIAL GROUNDS AND CREMATORIA

48. Definitions for Part V of Order.
49. Vesting of burial grounds.
50. Corporation to continue to be burial authority for city.
51. Application of Burial Grounds (Scotland) Act, 1855.
52. Historical and other monuments in burial grounds.
53. Power to accept sums for maintenance of graves, etc.
54. Consent of Corporation as to burial grounds and crematoria.
55. Byelaws for burial grounds and crematoria.
56. Restrictions on interments except in burial grounds.
57. Extension of power to maintain burial grounds.

PART VI
PEDESTRIAN SUBWAYS

58. Construction of pedestrian subways.
59. Byelaws prohibiting, etc. pedestrians crossing streets where subways have been constructed.
60. Subways to be constructed only under public streets or lands vested, etc. in Corporation.
61. Subsoil, etc. of streets may be appropriated for purpose of subways.
62. Application of Public Utilities Street Works Act, 1950, to subways.
63. General saving for Postmaster General in respect of Part VI of Order.

PART VII

MISCELLANEOUS

Section
64. Schedule G to Salmon Fisheries (Scotland) Act, 1868, not to apply to Fruid Reservoir.
65. Shelters or waiting rooms.
66. Statues and monuments.
67. Direction signs.
68. Power to stop up Warriston Close.
69. As to maintenance of footway of Lothian Road
70. Removal of articles from streets.
71. Amendment of sections 66 and 141 of Order of 1926.
72. Amendment of section 23 of Order of 1933.
73. Proceedings subsequent to conviction.

PART VIII

GENERAL

74. As to expenditure for purposes of Order.
75. Borrowing for purposes of Order.
76. Saving for control on borrowing.
77. Acquisition of land for purposes of Order.
78. Confirming authority for byelaws.
79. Penalties for offences under Order.
80. Application of certain sections of Orders of 1958 and 1961.
81. Crown rights.
82. Saving for town and country planning.
83. Saving for transport commission and public service vehicle operators in respect of certain works.
84. Saving for Postmaster General in respect of certain works.
85. Saving for electricity and gas boards in respect of certain works.
86. Repeal of Acts, etc.
87. Saving from effect of repeal.
88. Costs of Order.

SCHEDULES:

First Schedule—Scale of contributions of officers and servants who became contributors to the superannuation fund on or before 16th May, 1930.

Second Schedule—Additional reductions of superannuation allowance in respect of annuities for widows.

Third Schedule—Maximum penalties for offences under Order.

Fourth Schedule—Acts, Orders and schemes repealed.