CHAPTER lxxxviii.

An Act to confirm a Provisional Order made by the Secretary for Scotland under Part I. of the Housing of the Working Classes Act 1890 relating to the City and Royal Burgh of Edinburgh. [25th July 1898.]

A.D. 1898.

WHEREAS the Secretary for Scotland has made the Provisional Order set forth in the schedule hereto under the provisions of the Housing of the Working Classes Act 1890:

53 & 54 Vict. c. 70.

And whereas 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 Order set out in the schedule hereto is hereby confirmed and all the provisions thereof shall have full validity and force.

Order in schedule confirmed.

2. This Act may be cited as the Edinburgh Improvement Scheme Provisional Order Confirmation Act 1898.

Short title.

A.D. 1898.

SCHEDULE.

CITY AND ROYAL BURGH OF EDINBURGH.

Provisional Order for confirming an Improvement Scheme under Part I. of the Housing of the Working Classes Act 1890.

WHEREAS the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Edinburgh being the local authority under the Housing of the Working Classes Act 1890 presented to me the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's Secretary for Scotland a petition praying that an order might be made confirming a Scheme prepared by the said local authority under Part I. of the said Act for the improvement of certain areas within the said City and Royal Burgh:

And whereas a copy of the said Scheme and of the estimates by which it was accompanied is annexed to this Order:

And whereas the maps referred to in the said Scheme have been deposited at the office of the Secretary for Scotland:

And whereas on consideration of the said petition and on proof of the publication of the proper advertisements and of the service of the proper notices I thought fit to proceed with the case and directed a local inquiry to be made by Lieutenant-Colonel Frederick Bailey late Royal Engineers in accordance with the provisions of the said Act for the purpose of ascertaining the correctness of the official representation made to the said local authority as to the areas and the sufficiency of the Scheme provided for the improvement of such areas and any local objections to be made to such Scheme:

And whereas before commencing such inquiry the said Frederick Bailey made public by advertisement his intention to make such inquiry and stated the time and place at which he would be prepared to hear all the persons desirous of being heard on the subject thereof in accordance with the provisions of section eighteen of the said Act:

And whereas the said Frederick Bailey has reported to me in favour of the said Scheme:

And whereas the working-class population occupying the areas comprised in the said Scheme is estimated at one thousand three hundred and forty-three persons and it is proved to my satisfaction that sufficient and suitable accommodation for such population will be provided within the areas or in the neighbourhood thereof:

Now therefore in pursuance of the powers vested in me by the said Act I do hereby confirm the said Scheme and authorise the same to be carried into execution subject to the following modifications and conditions:—

(1) The areas comprised in the Scheme are the lands houses and buildings delineated and coloured respectively red blue and green on the maps except the area marked thereon G which is excluded:

(2) The properties numbered 44 45 46 and 47 in area B shall notwithstanding anything shown on the maps be held as being coloured blue thereon instead of red and as regards the remaining properties coloured red in the said area B the Magistrates and Council may take the same compulsorily for the purposes of the said Scheme in the event of the owners failing within one year from the date of the passing of the Act confirming this Order to put the said properties in a thorough sanitary condition as set forth in a minute lodged in the proceedings at the local inquiry:

(3) The Magistrates and Council shall not eject or displace within any period of six months any number of persons of the labouring classes exceeding two hundred in any one area in the Stockbridge District of the city or any number of persons of the labouring classes exceeding one hundred in any one area in the Portobello District of the city without having first obtained a certificate from the Sheriff of the Lothians and Peebles that other and suitable accommodation has been provided for such persons and the burgh engineer and medical officer of health of the city shall produce to the sheriff a joint report showing the number of houses available for such persons intended to be displaced the rental and condition and situation of such houses:

(4) Whenever the Magistrates and Council find it necessary to eject or displace any greater number than two hundred from any area in the Stockbridge District of the city or one hundred from any area in the Portobello District of the city and suitable accommodation has not been found or otherwise provided or does not otherwise exist within the city the Magistrates and Council shall provide or erect or cause to be erected or may lease or otherwise acquire houses for the temporary accommodation of such persons as may be so displaced and the Magistrates and Council may let such houses to such persons at such rents and upon such terms and conditions as the Magistrates and Council may from time to time determine and may also thereafter sell let or otherwise dispose of such houses as they may think fit.

Balfour of Burleigh
Her Majesty's Secretary for Scotland.

Scottish Office Whitehall
20 May 1898.

A.D. 1898.

THE CITY AND ROYAL BURGH OF EDINBURGH.

SCHEME made by the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Edinburgh being the Local Authority within the same under the Housing of the Working Classes Act 1890.

1. This Scheme may be cited as the Edinburgh (Housing of the Working Classes Act) Improvement Scheme 1898.

2. In this Scheme the following expressions shall have the meanings hereby assigned to them :—

The "burgh" means the City and Royal Burgh of Edinburgh;

The "Magistrates and Council" means the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Edinburgh;

The "town clerk" and the "burgh engineer" mean respectively the town clerk and the burgh engineer of the City and Royal Burgh of Edinburgh;

The "maps" mean the maps which accompany this Scheme;

The "areas" mean the areas or portions of areas coloured red blue and green on the maps.

3. The unhealthy areas included in this Scheme are the portions of areas marked respectively areas A B C D E F and G delineated and coloured red the portions of these areas coloured blue are included in the Scheme as necessary in the opinion of the Magistrates and Council to make it efficient for sanitary purposes and the areas marked A^1 A^2 C^1 and F^1 delineated and coloured green are necessary in the opinion of the Magistrates and Council for widening the existing approaches to the unhealthy areas or for opening out the same for the purposes of ventilation or health The areas herein-before referred to are respectively delineated and indicated on the maps and lie within the city parish of Edinburgh and the parish of Duddingston and within the burgh and county of the City of Edinburgh and county of Midlothian.

A duplicate of the maps is deposited at the office of the town clerk and copies of the maps or any part thereof certified by the burgh engineer shall be received in all courts of justice or elsewhere as evidence of the contents thereof respectively.

4. The Magistrates and Council may for the purposes of this Scheme and from time to time enter upon purchase take compulsorily and deal with all or any of the lands houses and buildings within the areas and take down and clear away the materials of such houses and buildings.

5. The Magistrates and Council may lay out form pave sewer and complete in the lines shown on the maps and of such width and gradients as they may see fit all or any of the street widenings extensions and improvements following namely :—

(1.) A widening and improvement of Dean Street on the north side thereof;

(2.) A widening extension and improvement of Cottage Lane on both sides thereof between the western end of Cottage Lane and Cheyne Street;

(3.) An extension and improvement of Church Place from the west end thereof for a distance of 62½ yards or thereabouts;

(4.) A new street extending from the west side of Pipe Street Portobello for a distance westwards of thirty-eight yards or thereabouts;

(5.) A widening and improvement of part of the south side of High Street Portobello extending from the bridge across the Figgate Burn to the eastern boundary of No. 15 High Street;

(6.) An improvement of Pipe Street Pipe Street Lane and Bridge Lane Portobello by the raising of the levels thereof respectively:

And such other streets courts approaches communications alterations of levels stopping up widening or diverting of existing streets lanes and closes and otherwise as may hereafter be determined by the Magistrates and Council to be necessary or proper for the purposes of this Scheme.

All these street improvements and widenings will be in the city parish of Edinburgh and parish of Duddingston and within the City and Royal Burgh and County of the City of Edinburgh and county of Midlothian.

6. In laying out the widened and extended streets and executing the approaches and communications shown on the maps the Magistrates and Council may deviate from the lines shown on the maps to any extent within the limits of the areas respectively and beyond those limits with the consent of the owners lessees and occupiers of the lands through which a deviation is made but not otherwise.

7. The Magistrates and Council may from time to time appropriate any parts of the areas and also any lands for the time being belonging to them or which they may have power to acquire for the erection of suitable dwellings for the accommodation of persons of the working classes who will from time to time be displaced within the areas.

8. All dwelling-houses to be erected in accordance with this Scheme shall be well and substantially built and shall be so situated and constructed as to secure efficient ventilation and shall be furnished with a proper water supply and with proper drainage and other sanitary appliances and apparatus to the satisfaction of the Magistrates and Council and shall be subject to the provisions of the Edinburgh Municipal and Police Acts in force for the time and the Magistrates and Council may enforce the execution and maintenance of all other proper sanitary arrangements.

9. The Magistrates and Council shall as soon as practicable after the passing of the Act authorising this Scheme proceed to carry the same into execution but they may from time to time purchase and deal with parts of the lands within the areas without being required to purchase and deal with the whole of the lands within the areas.

10. The Magistrates and Council may in carrying out any of the purposes of this Scheme form the areas or any part or parts of them respectively as

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they may consider necessary into and may maintain or require the same to be maintained as open spaces or they may sell or dispose of the lands and property herein-before authorised to be dealt with by them or any part of the same.

11. The costs charges and expenses of and incident to the preparation of this Scheme and the obtaining of the relative Provisional Order and confirmation by Parliament and the expenses of the execution of this Scheme so far as not defrayed out of moneys received by the Magistrates and Council pursuant to the Housing of the Working Classes Act 1890 shall be paid by the Magistrates and Council out of the local rate in the said Act as amended and defined by the Edinburgh Municipal and Police (Amendment) Act 1891 or out of moneys borrowed for the purposes of the said first-mentioned Act as so amended or out of any other moneys which the Magistrates and Council may have under their control Provided always that in repaying moneys so borrowed for the purposes of this Scheme the Magistrates and Council shall set apart as a sinking fund for repayment of the same not less than one-thirtieth part each year of the sum borrowed.

Dated at Edinburgh and the City Seal hereunto affixed this 8th day of November 1897.

L.S.

THOMAS HUNTER
Town Clerk.

ESTIMATE of cost of the SCHEME made by the Lord Provost Magistrates and Town Council of the City and Royal Burgh of Edinburgh as the Local Authority therein under the Housing of the Working Classes Act 1890 :—

	£	*s.*	*d.*
Cost of acquiring the lands and buildings for the purposes of the Scheme—clearing the sites and incidental works - - - -	43650	0	0
Estimated value of surplus lands available for re-sale	21500	0	0
Net cost of Scheme - - -	£22150	0	0

JOHN COOPER
Burgh Engineer.

Edinburgh 8th November 1897.

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