CHAPTER lxxii.

An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for providing that the Roads and Bridges (Scotland) Act, 1878, shall come into force in the county of Edinburgh on the 1st day of September 1882 subject to certain conditions. A.D. 1882.

[3rd July 1882.]

WHEREAS the Right Honourable Sir William Vernon Harcourt, one of Her Majesty's Principal Secretaries of State, made the Provisional Order set forth in the Schedule hereunto annexed, under the provisions of the Roads and Bridges (Scotland) Act, 1878: 41 & 42 Vict. c. 51.

And whereas it is necessary 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:

Order in Schedule as amended confirmed.

1. The Order set forth in the Schedule hereunto annexed, except so far as the same relates to a contribution of two hundred pounds sterling annually by the burgh of Leith, and the provisions relating to such contribution, is hereby confirmed, subject to the amendment provided by the following section.

Provision for roads, &c. not maintained in proper repair.

2. If it shall appear to the local authority of the city of Edinburgh that any road, highway, or bridge within three miles of the municipal boundary of the said city, is not in whole or in part maintained in a sufficient state of repair, having regard to the traffic passing over the same, it shall be lawful for the clerk of such local authority to apply in a summary way to the Lord Ordinary on the Bills in the Court of Session, and the Lord Ordinary, after inquiry, may make such order as to him shall seem proper to remedy the evil complained of, and may ordain the said

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order to be carried into effect by and at the sight of such persons as he may think fit, and at the expense of the county or district, as the case may be, and such order, which may also dispose of the expenses of the application, shall be final and not subject to review. The sums expended in terms of this section shall be deemed to be sums expended in the execution of the Roads and Bridges (Scotland) Act, 1878.

Short title.

3. This Act may be cited as the Edinburgh Roads Act, 1882.

SCHEDULE.

COUNTY OF EDINBURGH HIGHWAYS.

Draft Provisional Order.

Roads and Bridges (Scotland) Act, 1878.

Whereas by section nine of the Roads and Bridges (Scotland) Act, 1878, it is *inter alia* enacted, that "at any time after the passing of this Act, if the "Act shall not have been adopted in any county, it shall be lawful for the "Commissioners of Supply thereof to apply to the Secretary of State to make a "Provisional Order that the Act shall, from a date to be therein named, not "being earlier than the first day of June then next ensuing, come into force "in such county, subject to conditions contained in such Order in regard to "the debts affecting, and the cost and manner of managing and maintaining "any highway or highways in the neighbourhood of any burgh or burghs within "or partly within such county.

"Upon the receipt of any such application, such Secretary of State shall "cause notice thereof to be given to the clerk of any burgh, and to any other "person, body, or corporation who shall appear to be affected thereby, and "shall direct a local inquiry to be held in respect of the matters mentioned in "the petition, after giving fourteen days notice of the time, place, and subject "of the inquiry.

"After receiving the report made upon such inquiry, such Secretary of State "may issue a Provisional Order under his hand and seal of office in relation "to the matters mentioned in the application, either in accordance with the "prayer thereof, or with such modifications or alterations as may appear to "him to be requisite."

And whereas an application under the said ninth section of the said Roads and Bridges (Scotland) Act, 1878, was, during the last session of Parliament, presented to me as one of Her Majesty's Principal Secretaries of State by the Commissioners of Supply of the county of Edinburgh, praying me to make a Provisional Order under the said ninth section of the said statute to the effect that the said Act should from the first day of June then next, or from such other day as I should determine, come into force in the said county, subject to the following condition and provision, to be inserted and contained in such Provisional Order, viz., "that the city of Edinburgh and burgh of Leith shall "annually contribute to the county road board to be formed under the said "statute for the said county, such sums respectively as, after due inquiry, "shall be found to be just and equitable to assist in defraying the expense of "maintaining the suburban roads in the neighbourhood of the said city and "burgh."

And whereas after due notice of and inquiry into the said applications I issued a Provisional Order on the thirtieth day of May 1881, whereby I directed that the said Roads and Bridges (Scotland) Act, 1878, should come into force in the county of Edinburgh on and from the first day of September

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1881, subject to the following conditions; that is to say:—(1.) That the city of Edinburgh should contribute the sum of two thousand pounds sterling annually towards the cost of maintaining the highways within the county of Edinburgh, in the neighbourhood of the city of Edinburgh; (2.) That the burgh of Leith should contribute the sum of two hundred pounds sterling annually towards the maintaining the highways within the county of Edinburgh, in the neighbourhood of the burgh of Leith, and subject to other conditions regulating the manner of payment of such contributions, and the period after which it should be competent to apply for a new Provisional Order.

And whereas it was necessary that the said Order should be confirmed by Parliament, and a Bill was introduced during the last session of Parliament into the House of Commons, but it was too late under a Sessional Order of the House of Lords for such Bill to be passed by Parliament during the said session, and the Bill was accordingly withdrawn.

And whereas another application under the said ninth section of the said Roads and Bridges (Scotland) Act, 1878, has been presented to me as one of Her Majesty's Principal Secretaries of State by the Commissioners of Supply of the county of Edinburgh, praying me to make a Provisional Order under the said ninth section of the said statute, directing that the Act shall on and from the first day of June next, or on and from such other day as I shall determine, come into force in the county of Edinburgh, subject to the same conditions and provisions as were set forth in my Order dated 30th May last.

And whereas due notice of the said application was given to the town clerks of the city of Edinburgh and the burgh of Leith respectively, and a local inquiry was directed to be held and was, after due notice, held in respect of the matters mentioned in the said application.

And whereas a report was made upon the said inquiry by the sheriff of the county of Edinburgh.

And whereas the matters in the said application, answers, and relative proceedings have been duly considered, and I have resolved to issue a Provisional Order in the terms after expressed.

Now, therefore, in pursuance of the powers vested in me by the said Roads and Bridges (Scotland) Act, 1878, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand and seal, direct:

That the said Roads and Bridges (Scotland) Act, 1878, shall come into force in the county of Edinburgh on and from the first day of September 1882, subject to the following conditions; that is to say,

(1.) The city of Edinburgh shall contribute the sum of two thousand pounds sterling annually towards the cost of maintaining the highways within the county of Edinburgh, in the neighbourhood of the city of Edinburgh.

(2.) The burgh of Leith shall contribute the sum of two hundred pounds sterling annually towards the maintaining the highways within the county of Edinburgh, in the neighbourhood of the burgh of Leith.

(3.) The said sums shall be charges upon the city of Edinburgh and the burgh of Leith respectively, and shall be paid by the burgh local authorities of the said city and burgh respectively to the county road board of the county of Edinburgh, or to the district committees of any district into

which the said county may be divided in terms of the said Act, and through which districts the said highways pass, in the manner and in the proportions which shall be arranged by the county road trustees, or by the county road board of the said county, and the said district committees of the said districts respectively, and failing arrangement in the manner and in the proportion which shall be determined by a commissioner appointed for the purpose by the Secretary of State, and shall be applied towards the maintenance of the highways within the said county or districts in the neighbourhood of the said city and burgh respectively, and in diminution *pro tanto* of the assessments leviable in the said county or districts, in terms of the said Act.

(4.) The amounts falling to be paid by the said city and burgh respectively to the said county or districts shall be payable at the expiration of one year from the date at which tolls shall cease to be exigible within the said county, and at the expiration of each successive year thereafter, and if not paid when due may be recovered with expenses in the Court of Session, at the instance of the county road clerk of the said county, or of the district clerks of the said districts respectively.

(5.) Provided always, that if at any time after the expiration of five years from the date at which the said Roads and Bridges (Scotland) Act, 1878, shall have come into force in the county of Edinburgh, it shall appear to the trustees of the said county, or to the burgh local authority of the city of Edinburgh, or to the burgh local authority of the burgh of Leith that, having regard to the cost of maintaining the highways within the said county, in the neighbourhood of the said city and burgh, or either of them, the payment of the said sums of two thousand pounds and two hundred pounds, or either of them, should be altered, the trustees of the said county, or the burgh local authority of the said city of Edinburgh, or the burgh local authority of the said burgh of Leith, as the case may be, may from time to time apply to the Secretary of State to make a Provisional Order altering the said payment, and the Secretary of State may issue a Provisional Order under his hand and seal of office in relation to the matters mentioned in the application, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite, and the whole procedure prescribed by section nine of the said Roads and Bridges (Scotland) Act, 1878, with reference to the Provisional Orders thereby authorised, and the confirmation thereof, shall be and are hereby made applicable to the Provisional Orders hereby authorised.

Given under my hand and seal at Whitehall, this 21st day of February one thousand eight hundred and eighty-two.

(L.S.) W. V. Harcourt.

LONDON : Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.