CHAPTER xci.

An Act to confirm a Provisional Order made by the Secretary for Scotland relating to an increase in the number of Councillors in the Burgh of Leith. A.D. 1898.

[25th July 1898.]

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and the Act amending the same and it is necessary that the said Order should be confirmed by Parliament: 55 & 56 Vict. c. 55. 57 & 58 Vict. c. 18.

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 as set out in the schedule hereunto annexed shall be and the same is hereby confirmed and all the provisions thereof shall from and after the passing of this Act have full validity and force. Order in Schedule confirmed.

2. This Act may be cited as the Leith Burgh Order Confirmation Act 1898. Short title.

[*Price* 3*d.*]

A.D. 1898.

SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by Section 29 of the Burgh Police (Scotland) Act 1892 (hereinafter referred to as "the principal Act") it is inter alia enacted that in burghs for which commissioners have to be elected under that Act and where the population is between fifty thousand and one hundred thousand the number of commissioners of such burgh shall be eighteen:

And whereas by the Burgh Police (Scotland) Act 1892 Amendment Act 1894 it is enacted that the portion of the said twenty-ninth section of the principal Act containing the words "where the population is between fifty "thousand and one hundred thousand the number shall be eighteen" shall be repealed and in lieu thereof there shall be substituted the words "where the "population is between fifty thousand and one hundred thousand the number "shall be from eighteen to twenty-four":

And whereas Leith is a burgh with a population between fifty thousand and one hundred thousand:

And whereas by Section 44 of the principal Act it is further enacted that "in any burgh where the magistrates and council are the commissioners under "this Act it shall be lawful for the magistrates and council to make applica-"tion to the Secretary for Scotland for a Provisional Order determining that "the number of the magistrates and council or either of them may be altered "to any number which would be competent under this Act for the "Commissioners of Police of such burgh and for distributing the number of "the magistrates and council so altered among the wards of the burgh if it "is divided into wards and that such alteration shall come into effect either "immediately at the next election or at successive elections by gradual increase "or diminution of the number of the magistrates and council or either of "them" and that "if such Order is made and confirmed by Parliament as "hereinafter provided it shall regulate the number of the magistrates and "council of such burgh for the future any charter right or Act of Parliament "notwithstanding":

And whereas the Burgh of Leith is a burgh having magistrates and councillors who are the commissioners under the principal Act:

And whereas the present number of councillors of the Burgh of Leith is sixteen and the Burgh is at present divided into five wards:

And whereas an application was made by the Town Council of Leith to the Sheriff of the Lothians and Peebles in pursuance of the principal Act as amended in this respect by the Local Government (Scotland) Act 1894 to have the Burgh divided into six wards in which application after sundry

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procedure including an Appeal to the Court of Session the Lord Ordinary by an Order under Section 13 of the principal Act found it expedient that the existing Second Ward of the burgh should be divided into two wards one on each side of Leith Walk to be denominated the "Second" and "Sixth" Wards respectively and defined the boundaries of these wards accordingly and farther found that it was not proposed and is not expedient to alter the boundaries of the other wards of the Burgh and declared that the boundaries of the First Third Fourth and Fifth Wards of the burgh shall remain as defined and approved of under the Municipal Elections Amendment (Scotland) Act 1868:

And whereas a petition under the provisions of the principal Act has been presented to me as Secretary for Scotland by the magistrates and council of the burgh of Leith setting forth that in consequence of said addition of a ward to the burgh it is necessary to provide for the representation thereof and that it would be desirable that the number of councillors in the said burgh should be increased to eighteen to be divided equally among the six wards of the burgh thus reducing the present number of councillors for the first ward from four to three:

And whereas after due inquiry I have resolved to issue a Provisional Order increasing the said number of councillors in the said burgh accordingly:

Now therefore in pursuance of the powers vested in me in this behalf I as Secretary for Scotland do by this Provisional Order under my hand and seal determine that from and after the passing of any Act of Parliament confirming this Provisional Order the number of councillors in the burgh of Leith shall be altered and increased to eighteen by the addition of two councillors all of whom (subject as hereinafter provided) shall be elected in terms of the existing law regulating the elections of councillors in burghs and I direct that the said eighteen councillors shall be divided equally among the six wards of the burgh and that such alteration in the number of councillors shall come into effect at the next annual election of councillors in the said burgh and at that election and at all future elections of councillors such number of councillors shall be elected as shall be required with the number of councillors remaining in office to bring the number of councillors to eighteen and I further direct that the existing councillors shall remain in office for such periods as they would have done if this Provisional Order had not been passed the non-retiring representatives of the present second ward of the burgh hereafter representing until their retirement the new second ward and that no election shall take place in the first ward at the annual election in November next in room of the Councillor who then retires by rotation.

For the new sixth ward three councillors shall be elected at the annual election in eighteen hundred and ninety-eight In the year eighteen hundred and ninety-nine the councillor to retire from the representation of said sixth ward shall be he who had the smallest number of votes at the said election and in the year nineteen hundred the councillor who shall retire shall be he who had the next smallest number of votes at said election and in case of there

A.D. 1898. being no contest or an equality of votes at the said election the order in which the Councillors representing that ward shall retire shall be determined by the Town Council at their meeting on the first Friday of November eighteen hundred and ninety-eight.

Given under my hand and seal at Whitehall this ninth day of February one thousand eight hundred and ninety-eight.

(L.S.) BALFOUR OF BURLEIGH.

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