CHAPTER cxxxiv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the burgh of Leith. [21st August 1907.]

A.D. 1907.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

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

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Leith Burgh Order Confirmation Act 1907.

A.D. 1907.

SCHEDULE.

LEITH BURGH.

Provisional Order to provide that the Commissioners for the Harbour and Docks of Leith and their undertaking shall be liable to assessment under the Public Health (Scotland) Acts to make provision as to the playing of football and golf and with respect to deficiencies in tramway revenue and for other purposes.

WHEREAS the burgh of Leith (hereafter defined in this Order "the burgh") is under the government for municipal purposes of the provost magistrates and councillors thereof (hereafter defined in this Order "the town council"):

And whereas the harbour and docks of Leith together with the properties connected therewith and the revenues thereof as set forth in section 7 (Undertaking vested in the Commissioners) of the Leith Harbour and Docks Act 1875 (hereafter defined in this Order "the dock undertaking") are vested in the Commissioners for the Harbour and Docks of Leith incorporated by that Act (hereafter defined in this Order "the Dock Commissioners"):

And whereas prior to the fifteenth day of May one thousand nine hundred and five the Dock Commissioners have paid the assessments levied by the town council upon the dock undertaking under and for the purposes of the Public Health (Scotland) Acts but since that date have refused to do so:

And whereas such refusal is based upon section 3 (Exemption in section 45 of 11 & 12 Vict. c. cxxiii to continue in force) of the General Police and Improvement (Scotland) Supplemental Act 1862 (which received the Royal Assent upon the twenty-first day of July 1863) as read with section 136 (General assessments in burghs) of the Public Health (Scotland) Act 1897 in accordance with a decision of the House of Lords in the case of the Greenock Harbour Trustees versus the magistrates of Greenock of date fourth August

one thousand nine hundred and five and it is expedient that notwithstanding the said enactments the Dock Commissioners and the dock undertaking should be liable to the public health assessments:

And whereas it is expedient that the further powers with respect to the games of football and golf and the making good of deficiencies in the revenue of the tramway undertaking of the town council herein-after mentioned should be conferred upon the town council:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title and commencement of Order.

1. This Order may be cited as the Leith Burgh Order 1907 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Interpretation.

2. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by any public or local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings and the following expressions shall have the meanings assigned to them in this section:—

"The burgh" means the burgh of Leith within the boundaries for the purposes of the Burgh Police (Scotland) Acts 1892 to 1903;

"The town council" means the provost magistrates and councillors of the burgh acting in any capacity;

"The Dock Commissioners" and "the Dock Commission" mean respectively the commissioners and commission for the harbour and docks of Leith incorporated by the Leith Harbour and Docks Act 1875;

"The dock undertaking" means the undertaking of the Dock Commissioners as set forth in section 7 of the Leith Harbour and Docks Act 1875 so far as contained in the Valuation Roll;

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"The Public Health (Scotland) Acts" means the Public Health (Scotland) Act 1897 and any Acts amending the same;

"The public health assessments" means the assessments leviable under the Public Health (Scotland) Acts.

Dock Commissioners liable to public health assessments.

3.—(1) Notwithstanding anything in section 3 (Exemption in section 45 of 11 & 12 Vict. c. cxxiii to continue in force) of the General Police and Improvement (Scotland) Supplemental Act 1862 (Royal Assent 21st July 1863) or in any other Act contained the Dock Commissioners and the dock undertaking shall be liable to the public health assessments as from the fifteenth day of May one thousand nine hundred and eight.

(2) For the purpose of repaying the debt incurred by the town council during the period intervening between the fifteenth day of May one thousand nine hundred and five and the fifteenth day of May one thousand nine hundred and eight through the non-payment by the Dock Commissioners of the public health assessments between those dates the town council may borrow on the security of the public health assessments such sums of money and at such times as the town council shall deem necessary for that purpose and subject as herein-after mentioned may assign the said assessments in security of the money to be so borrowed The money so borrowed shall be repayable by instalments as may be arranged between the town council and the lender but so that the same shall be wholly repaid together with the accruing interest not later than the fifteenth day of May one thousand nine hundred and thirteen The amount of such loans including interest shall form a charge against the public health assessments of the years intervening between the date of such loans and the date of repayment and the money so borrowed as aforesaid shall be applied for the purpose specified in this subsection and for no other purpose whatsoever Provided that the dock undertaking shall not be liable to be assessed by the town council under the Public Health (Scotland) Acts for the purpose of this subsection.

Football and golf.

4. Subsection (1) of section 15 (Games &c. in parks) of the Leith Burgh Order 1904 may if the town council so determine be read in its application to the playing of the games of football and golf on the lands at Craigentinny leased by the town council for use as a golf course as if the words "any reasonable portion or portions of" were omitted therefrom.

Deficiencies in tramway revenue.

5. If the town council shall be of opinion that any deficiency which may have arisen before or which may arise in any year

after the commencement of this Order in the tramway revenue as defined in the Leith Corporation Tramways Order 1904 cannot be made good in the year following the year in which such deficiency shall have arisen by drawing from the reserve account or varying the tolls fares and charges or reducing working expenses in accordance with the proviso to section 72 (Statement and balance sheet and estimates to be laid before corporation) of that Order but should be carried to the suspense account also therein mentioned the town council may borrow on the credit and security of the tramway revenue and of the burgh general assessment leviable within the burgh under the Burgh Police (Scotland) Act 1892 and Acts amending the same such moneys as may from time to time be required for the purposes of any such suspense account but the amount of the moneys so borrowed shall not exceed at any one time the deficiency in the tramway revenue to meet the interest of any money borrowed by the town council for tramway purposes and to meet the sums to be set apart annually as a sinking fund in respect thereof and loans instalments as in the said Order provided Moneys borrowed under this section shall be repaid within five years from the date or dates of borrowing the same and in so far as the annual interest on such moneys and the payments to be made to any sinking fund or loans instalments for paying off such moneys cannot be provided out of the tramway revenue the town council may include such interest and payments in the said assessment for the then current or ensuing year.

Costs of Order.

6. All costs charges and expenses of and incident to the preparing obtaining and passing of this Order and the confirming Act shall be paid out of any assessment levied by the town council or out of the common good of the burgh or any sums to be borrowed under the powers conferred by any Order or Act of Parliament or one or other or all of them proportionally as the town council shall determine Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the commencement of this Order.

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