Session and Chapter.	Title or Short Title.	Extent of Repeal.
36 & 37 Vict. c. 66. -	The Supreme Court of Judicature Act, 1873.	Section fifty-six, from "Subject to any Rules "of Court" down to "as a judgment by the "Court," both inclusive, and the words "special referees or." Sections fifty-seven to fifty-nine, both inclusive.
47 & 48 Vict. c. 61. -	The Supreme Court of Judicature Act, 1884.	Sections nine to eleven, both inclusive.

CHAPTER 50.

An Act to amend the Laws relating to Local Government in Scotland. [26th August 1889.]

BE it 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:

Preliminary.

Short title.

1. This Act may be cited as the Local Government (Scotland) Act, 1889.

Extent of Act.

2. This Act shall extend to Scotland only.

PART I.

CONSTITUTION AND POWERS OF COUNTY COUNCIL.

Constitution of County Council.

Establishment of county council.

3. A council (in this Act referred to as a county council or the council of a county) shall be established in every county, and be entrusted with the management of the administrative and financial business of that county as herein-after provided.

Councillors.

Composition and term of office of council.

4.—(1.) Subject to the provisions of this Act the councillors of a county council shall be elective, and for the purpose of their election a county shall be divided into electoral divisions; and one county councillor only shall be elected for each electoral division.

(2.) On each county council there shall be such number of elective councillors and in each county there shall be such number of electoral divisions, and the contents and boundaries of the electoral divisions shall be such as may be determined in manner in this Act mentioned: Provided that every police burgh shall be an electoral division or shall be divided into two or more electoral divisions.

(3.) The term of office of a councillor shall be three years, and in every third year the whole number of councillors shall go out of office, and their places shall be filled by election. Provided that the county councillors first elected under the provisions of this Act shall continue in office only until the first Tuesday of December in the year one thousand eight hundred and ninety-two, when the whole number of councillors shall go out of office, and their places shall be filled by election as herein-after provided.

Provided always, that if any police burgh or other electoral division shall, after the passing of this Act, be annexed to or included within the boundaries of any burgh, the councillor or councillors for such police burgh or electoral division shall, from and after the date when such annexation or inclusion takes effect, cease to hold office, and the number of the councillors for the county shall be reduced accordingly. Provided also that if a part only of any electoral division shall be so annexed or included, the councillor or councillors for such electoral division shall continue to hold office until the Secretary for Scotland shall otherwise determine.

Number and apportionment of councillors.

5. The Secretary for Scotland shall determine the number of councillors to be elected to a county council, and shall apportion them between the county and each of the burghs (if any) entitled, as herein-after provided, to be represented on the county council, and in making such determination and apportionment the Secretary for Scotland shall have regard to the population, distribution, and pursuits of the population, area, annual value as appearing on the valuation rolls, and other circumstances of the county and burghs respectively.

Qualification of electors.

6. The councillor for an electoral division shall be elected by the persons registered as herein-after provided as county electors for that division.

Qualification of councillors.

7. A person shall not be qualified to be elected or to be a councillor for an electoral division of a county unless he is at the time of the election registered as a county elector for such county.

Appointment of councillors by certain burghs.

8. Every burgh which contains a population of less than seven thousand shall, for the purposes herein-after mentioned, and subject to the provisions of this Act, be represented on the county council of the county within which it is situated, or with which it has the longest common boundary, in manner following, that is to say:

(1.) The county councillors to be elected for such burgh shall be elected by the town council of such burgh from among their own number, at a meeting of the town council to be held in the month of January, in the year one thousand eight hundred and ninety, and in the month of November in every subsequent year in which the election of a county council is appointed to take place.

(2.) The term of office of a county councillor for a burgh shall be three years, provided that his term of office as a county councillor shall terminate when he ceases to be a town councillor, and the town council shall fill up any casual vacancy arising under this section at their first meeting after such vacancy occurs, but such appointment shall only be till the time of the next county council election.

(3.) The provisions of this section shall apply to a royal burgh which contains a population of more than seven thousand, but does not return or contribute to return a member to Parliament, and to any burgh which contains a population of more than seven thousand, but does not maintain a separate police force.

48 & 49 Vict. c. 3.

(4.) The expression "the Representation of the People Acts," in section three of the Representation of the People Act, 1884, is hereby declared to include the Acts regulating the registration of municipal electors.

Disqualifications for being councillor or member of committee.

9.—(1.) No woman shall be eligible for election as a county councillor; and

(2.) A person shall be disqualified for being elected and for being a county councillor or member of a committee in this Act mentioned, if and while he—

(*a.*) Holds any office or place of profit under the county council or any committee in this Act mentioned; or

(*b.*) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council or committee.

But a person shall not be disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

(*c.*) Any lease, sale, or purchase of land, or any agreement for the same; or

(*d.*) Any agreement for the loan of money, or any security for the payment of money only; or

(*e.*) Any newspaper in which any advertisement relating to the affairs of the council or committee is inserted; or

(*f.*) Any company which contracts with the council or committee for lighting or supplying with water, or insuring against fire, any property of the council or committee; or

(*g.*) Any railway company, or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Act, 1862.

25 & 26 Vict. c. 89.

Convener of the County.

Regulations as to convener and vice-convener of county.

10.—(1.) The chairman of the county council, who shall be called the convener of the county, shall be a fit person elected by the council from among the councillors, and shall by virtue of his office be a justice of the peace for the county.

(2.) The term of office of the convener of the county shall be one year.

(3.) The county council may from time to time appoint a county councillor to be vice-convener, to hold office during the term of office of the convener, and, subject to any rules made from time to time by the council, anything authorised or required to be done by or to or before the convener may be done by or to or before the vice-convener.

(4.) A casual vacancy in the office of convener or vice-convener of the county caused by death, resignation, or disqualification, shall, as soon as practicable, be filled up by the county council; but the person filling any such vacancy shall retain his office so long only

as the vacating convener or vice-convener would have retained the same if such vacancy had not occurred.

Powers of Council.

Transfer to county council of powers of commissioners of supply, road trustees, &c.

11. Subject to the provisions of this Act there shall be transferred to and vested in the council of each county, on and after the appointed day, or at such times as are in this Act in that behalf respectively specified:—

(1.) The whole powers and duties of the commissioners of supply, save as herein-after mentioned;

(2.) The whole powers and duties of the county road trustees;

(3.) The whole powers and duties of the local authority of the county under the Contagious Diseases (Animals) Acts and the Destructive Insects Act, 1877; 40 & 41 Vict. c. 68.

(4.) The whole powers and duties of the local authorities under the Public Health Acts of parishes so far as within the county (excluding burghs and police burghs); and

(5.) The administrative powers and duties of the justices of the peace of the county in general or special or quarter sessions assembled in respect of the several matters following, namely:

(i.) The execution as local authority of the Acts relating to gas meters, to explosive substances, to weights and measures, to habitual drunkards, and to wild birds;

(ii.) The appointment of visitors of public, private, or district lunatic asylums; and

(iii.) The registration of rules of scientific societies under the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-six.

All powers and duties of the justices of the peace not transferred by this Act to the county council shall be reserved to and transacted by such justices in the same manner, so far as circumstances admit, as if this Act had not passed.

The provisions of any Act of Parliament conferring, imposing, or regulating the powers and duties by this Act transferred or regulating the proceedings under any such Act shall remain in full force and effect, except in so far as they are repealed by or are inconsistent with the provisions of this Act.

Continuance of commissioners of supply for limited purposes specified.

12.—(1.) Notwithstanding the transference in the immediately preceding section mentioned all enactments in regard to the constitution, qualification, admission, and making up lists of commissioners of supply shall continue in force, and all existing commissioners of supply shall continue to hold office so long as they retain their qualifications under the said enactments; but save for the purposes in this Act expressly mentioned, every reference in any Act of Parliament, scheme, order, deed, or instrument to commissioners of supply, or to their convener, shall be read and construed as referring to the county council or councillors, or to the convener of the county elected under this Act: Provided also that the County General Assessment (Scotland) Act, 1868, shall be repealed after the words "such assessment is imposed" in the fourth section thereof to the end of section nine of the Act. 31 & 32 Vict. c. 82.

(2.) For the purpose of appointing members of the standing joint committee herein-after mentioned, and also of the committee to be appointed to dispose of claims and objections under the provisions of the Commissioners of Supply (Scotland) Act, 1856, and any amending Act, the commissioners of supply shall meet annually in the same place and on the same day as, and either before or after, the meeting of the county council in the month of May in each year, but shall not transact any business other than the election of a convener of the Commissioners of Supply and the election of the members of the committees in this section mentioned.

19 & 20 Vict. c. 93.

(3.) If any member of a committee appointed as in this section mentioned shall die, resign, or become disqualified, the vacancy so caused may be filled up by the commissioners of supply at a meeting called by their convener on not less than ten days notice by circular addressed to each commissioner of supply.

(4.) The county clerk shall without any further appointment or remuneration act as clerk of the commissioners of supply, and when so acting shall be deemed to be the clerk of supply within the meaning of the enactments in this section before mentioned.

Transfer of police in burghs under 7,000.

13. Where a burgh or police burgh contains a population of less than seven thousand, then on and after the appointed day all powers, duties, and liabilities of the magistrates and council or police commissioners of such burgh or police burgh (if any) in relation to the raising, management, and maintenance of a police force (herein-after referred to as the administration of the police) shall cease, and subject to the provisions of this Act as to the existing members of the police force, the county council shall have the same powers and duties and shall have transferred to it the same liabilities as regards the administration of police within such burgh or police burgh as they have in every other part of the county.

20 & 21 Vict. c. 72.

For the purposes of section seventy-four of the Police Act, 1857, the expression "this Act," shall include the Local Government (Scotland) Act, 1889, and shall be held to apply to police burghs.

Provided that this section shall not apply to the burgh of Renfrew or the police burgh of Lerwick.

Transfer of administration of Contagious Diseases (Animals) and Destructive Insects Acts in burghs under 7,000.

14. Where a burgh contains a population of less than seven thousand, then on and after the appointed day all powers, duties, and liabilities of the magistrates and council of such burgh as the local authority under the Contagious Diseases (Animals) Acts, and the Destructive Insects Act, 1877, within the burgh shall cease, and subject to the provisions of this Act as to the existing officers of the said local authority, the county council shall have the same powers and duties and shall have transferred to it the same liabilities as regards the administration of the Contagious Diseases (Animals) Acts, and the Destructive Insects Act, 1877, or any order made thereunder, within such burgh as they have in every other part of the county.

40 & 41 Vict. c. 68.

Provided that nothing in this section shall transfer to the county council any powers, duties, or liabilities under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

41 & 42 Vict. c. 74. 49 & 50 Vict. c. 32.

Provided also that police constables (including the chief constable) and other officers appointed and acting under or in pursuance of the provisions of this and the immediately preceding section shall have the same powers and duties within the burghs and police burghs respectively in those sections mentioned as they have in every other part of the county.

The provisions of this section in regard to the administration of the Contagious Diseases (Animals) Acts shall apply to any royal burgh which does not return or contribute to return a member to Parliament.

Provided also, that if any question shall arise as to the burghs and police burghs to which the provisions of this or the immediately preceding section apply, the same may be determined by the Secretary for Scotland.

Transfer to county council of powers of certain Government departments and other authorities.

15.—(1.) After the passing of this Act it shall be lawful for the Secretary for Scotland to make from time to time a provisional order for transferring to county councils—

(*a.*) Any such powers, duties, and liabilities of Her Majesty's Privy Council, the Secretary for Scotland, the Board of Trade, or the Scotch Education Department, or any other Government department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character; also

(*b.*) Any such powers, duties, and liabilities arising within the county of any public body, corporate or unincorporate (not being the corporation of a burgh, or the trustees of a public navigation or lighthouse trust, or the commissioners of police of a police burgh, or a parochial board, or a school board), as are conferred by or in pursuance of any statute;

and such order shall make such exceptions and modifications as appear to be expedient, and also such provisions as appear necessary or proper for carrying into effect such transfer, and for that purpose may transfer any power vested in Her Majesty in Council.

(2.) Provided that before any such order is made, the draft thereof shall be approved, if it relates to the powers, duties, or liabilities of the Board of Trade, or any other Government department, by such Board or department, and approved, if it affects the powers, duties, or liabilities of any public body, corporate or unincorporate, by such public body; and every such provisional order shall be of no effect until it is confirmed by Parliament.

(3.) If any such powers, duties, or liabilities as are referred to in any provisional order under this section arise within two or more counties, they may be transferred to the county councils of such two or more counties jointly, and may be exercised and discharged by a joint committee of such councils.

Transfer of powers of county road trustees.

16. With respect to the transference to the county council of the powers and duties of county road trustees, the following provisions shall have effect:

Repeal of local Road Acts.

(1.) From and after the appointed day all local Acts of Parliament in so far as they relate to highways in any county in which the Roads and Bridges (Scotland) Act, 1878, has not

previously taken effect shall be repealed, and the said Act shall, subject to the provisions of this Act, take effect therein as if it had been adopted on the appointed day in terms of the sixth section thereof.

Effect and amendment of 41 & 42 Vict. c. 51.

(2.) From and after the appointed day the Roads and Bridges (Scotland) Act, 1878, shall have effect in every county, subject to the modifications following, and to such other modifications as are necessary for adapting the said Act to the provisions of this Act:

(*a.*) All the provisions of the said Act in regard to the constitution, qualification, and election or appointment of county road trustees shall be repealed, and the Act shall be read and have effect as if the county council and councillors were substituted for the county road trustees.

(*b.*) The county council shall, at their first meeting in the month of May next after the passing of this Act, and thereafter annually at their meeting in the month of December, appoint from among their own number a committee, to be called the county road board, consisting of not more than thirty councillors. The county road board so appointed shall come in place, and shall have all the powers and duties of a county road board under the said Act, except in so far as inconsistent with the provisions of this Act, and shall appoint their own chairman.

(*c.*) For the purpose of the management and maintenance of highways, the county shall, except as herein-after provided, be divided into districts in manner provided in this Act, and such districts shall be deemed to be districts for the purposes of the Roads and Bridges (Scotland) Act, 1878; and there shall be a district committee for each district, constituted as provided in this Act, which shall come in place and have all the powers and duties of a district road committee under the Roads and Bridges (Scotland) Act, 1878, except in so far as inconsistent with the provisions of this Act: Provided that the district clerk appointed under this Act shall be deemed to be and shall discharge the duties of a district road clerk.

Sections sixteen, seventeen, and ninety-one of the Roads and Bridges (Scotland) Act, 1878, shall be repealed from and after the appointed day, and section eighteen shall be repealed in so far as it relates to the qualification of members of the district committee therein mentioned and to the nomination of the chairman of such committee, and so much of sections twenty-four and fifty-eight as provides that proprietors only shall vote in regard to the construction of new roads and bridges, and be liable for the cost thereof, shall be repealed in regard to roads and bridges to be made, built, or rebuilt after the appointed day; and the cost of such construction shall be provided for in the same manner as the cost of maintenance of existing roads and bridges.

(*d.*) The assessment for road debt under the Roads and Bridges (Scotland) Act, 1878, or under any local Act of Parliament shall, until the debt is wholly repaid, be payable by owners only, subject to the provisions of the said Acts, and shall be included in the owners consolidated rate: Provided that nothing contained in this Act shall derogate from the provisions of section forty of the Roads and Bridges (Scotland) Act, 1878, in regard to the liability for road debts in detached parts of counties, and if any question shall arise as to the application of the last-mentioned provisions, it may be disposed of summarily by the sheriff of the county within which the lands and heritages are locally situated, and his decision shall be final. 41 & 42 Vict. c. 51

Transfer of powers of parochial boards under Public Health Acts.

17. With respect to the transference to the county council of the powers and duties of certain local authorities under the Public Health Acts, the following provisions shall have effect:

(1.) For the purposes of the administration of the laws relating to public health, the county shall, except as herein-after provided, be divided into districts in the manner provided in this Act, and there shall be a district committee for each such district constituted as provided in this Act.

(2.) A district committee shall, subject to the provisions of this Act, be the local authority under the Public Health Acts, and as such shall have and may exercise within its district all the powers and duties and be subject to all the liabilities by this Act transferred to or conferred on the county council with respect to the administration of the laws relating to public health, except those relating to medical officers or sanitary inspectors for the county, and subject to the provisions following:

(*a.*) A district committee shall have no power of raising money by rate or loan:

(*b.*) The county council shall make general regulations for the government of a district committee, and such committee shall conform to those regulations:

(*c.*) Any five ratepayers in the district may appeal from any proceedings or order of a district committee to the county council, who shall have power to confirm or vary or rescind such proceedings or order; and such proceedings or order shall be stayed pending the appeal, but the power of appeal hereby given shall not apply to any proceedings for the removal of a nuisance; and nothing in this Act contained shall affect or prejudice any proceedings to enforce the provisions of the Public Health Acts, save only that when necessary such proceedings shall be taken by or against the district committee instead of against the parochial board as local authority under the said Acts. The medical officer or the sanitary inspector of the county or district may appeal to the county council, and the county council

may on such appeal make an order under the Public Health Acts.

(3.) The power of appointing officers under the Public Health Acts is hereby varied, so that it shall be lawful to appoint such officers either for the whole district or for any part thereof or parish therein as shall be deemed expedient. The officers so appointed shall have, as nearly as may be, within the areas respectively assigned to them the same powers, duties, rights, and tenure (if any) as the officers, as the case may be, of the existing local authority have within the area of the parish.

(4.) The sums necessary to meet any deficiency in respect of the expenditure under the Public Health Acts within any district shall be levied by the county council by a rate imposed on all lands and heritages within such district, or within any special drainage or water supply district within the meaning and subject to the provisions of the Public Health Acts.

Standing Joint Committee for County.

Standing joint committee of county council and commissioners of supply for certain purposes.

18.—(1.) For the purposes in this section mentioned and with respect to the powers of borrowing transferred or conferred by this Act, or any other Act, there shall be a standing joint committee of the county council and the commissioners of supply, consisting of such number of county councillors not exceeding seven, as shall be appointed by the county council annually at their meeting in the month of May, and such number of commissioners of supply not exceeding seven, as shall be appointed by the commissioners of supply annually at their meeting on the same day. Six shall form a quorum of the committee, and the committee may act notwithstanding any vacancy upon it.

(2.) The sheriff of the county (or in his absence one of his substitutes to be by him nominated for that purpose) shall be ex officio a member of the said standing joint committee, and the committee shall elect one of their own number to be chairman thereof.

(3.) If any appointed member of such committee shall die, resign, or become disqualified, the vacancy may be filled up by the county council or commissioners of supply, as the case may be, by whom the member vacating office was appointed; any member of such committee may resign office by a writing under his hand addressed to the county clerk.

(4.) On the requisition of the chairman or of any two members of the standing joint committee, the county clerk (who shall without any further appointment or remuneration act as clerk of the committee) shall convene a meeting thereof, on not less than six days notice, by letter addressed to each member of the committee.

(5.) The standing joint committee appointed in terms of this section shall, after the appointed day, be deemed to be the police committee under the Police Act, 1857, and shall have all the powers of such committee and be subject to all the provisions

20 & 21 Vict. c. 72.

of that Act, except in so far as these provisions are expressly modified by this Act.

(6.) No works involving capital expenditure (in this Act referred to as capital works) shall be undertaken in any county, or any district thereof, under or in pursuance of powers transferred or conferred by this Act, or any other Act, without the consent in writing of the standing joint committee appointed in terms of this section.

(7.) Capital works shall include the erection, rebuilding, or enlargement of buildings, the construction, re-construction, or widening of roads and bridges, the construction or extension of drainage or water supply works, and shall also include the acquisition of land or of any right or interest or servitude in or over land or water for the purposes of any capital work.

PART II.

FINANCIAL RELATIONS BETWEEN EXCHEQUER AND COUNTIES AND BURGHS.

Application of probate duty grant in year ending 31st March 1890. 51 & 52 Vict. c. 60.

19. All sums paid on account of the financial year ending the thirty-first day of March next after the passing of this Act in respect of the probate duty grant under the provisions of the Probate Duties (Scotland and Ireland) Act, 1888, to the Local Taxation (Scotland) Account shall, subject to the conditions set forth in the last-mentioned Act, be applied by or under the direction of the Secretary for Scotland in the following manner:—

(1.) In paying a sum of thirty thousand pounds for the relief of local taxation in the Highlands and Islands of Scotland in such proportions and manner as may be from time to time directed by the Secretary for Scotland;

(2.) In paying to every road authority who have received out of the Exchequer a contribution to the cost of roads, or to the successors of such authority, sums calculated in like manner and according to the like scale and regulations as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-seven;

(3.) The balance shall be applied towards relief from the payment of school fees in the State-aided schools in Scotland and be distributed in such manner and in accordance with such conditions as may be set forth in a Minute of the Scotch Education Department to be forthwith laid before Parliament.

(4.) For the purpose of this section of this Act, the terms and expressions therein have the meanings assigned to them in the Probate Duties (Scotland and Ireland) Act, 1888.

(5.) From and after the thirty-first day of March next after the passing of this Act the Probate Duties (Scotland and Ireland) Act, 1888, shall, so far as it applies to Scotland, be repealed, without prejudice to the distribution of the moneys referred to in this section.

Payment after 31st March 1890 of proceeds of duties

20. After the financial year ending on the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under

on local taxation licences.

such regulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as the Local Taxation (Scotland) Account) as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those Commissioners in Scotland on the licences (in this Act referred to as local taxation licences) specified in the Schedule to this Act, and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties.

Grant of portion of probate duty after 31st March 1890.

21. After the financial year ending the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under such regulations as the Treasury may from time to time prescribe, pay into the Bank of England to the Local Taxation (Scotland) Account such sums as may be ascertained, in manner provided by the regulations, to be eleven hundredth parts of one half of the proceeds of the sums collected by them in respect of the probate duties, and for the purpose of this section "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and also the stamp duties charged on such accounts of personal and moveable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, and also includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties. In the construction of sub-section (5) of the Customs and Inland Revenue Act, 1889, the reference therein to section five of the Probate Duties (Scotland and Ireland) Act, 1888, shall be read as if it were a reference to this section.

44 & 45 Vict. c. 12.

52 & 53 Vict. c. 7.

51 & 52 Vict. c. 60.

Application of duties of local taxation licences and probate duty grant.

22. Until Parliament shall otherwise determine all sums from time to time paid to the Local Taxation (Scotland) Account shall be applied by or under the direction of the Secretary for Scotland in manner herein-after mentioned (that is to say):—

(1.) In paying a sum of ten thousand pounds to the county councils of the counties in the Highlands and Islands of Scotland in proportion to the grants paid out of Exchequer to the Commissioners of Supply and County Road Trustees of each such county (excluding the burghs therein) during the financial year ending the thirty-first day of March next before the passing of this Act, the share falling to each county council to be applied to the relief of local taxation for the purposes of this Act in such county (excluding the burghs therein) in such manner as the county council shall determine;

(2.) In distributing a sum of thirty-five thousand pounds among the road authorities in Scotland who, or whose predecessors, have received out of the Exchequer a contribution to the cost of roads, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-seven;

(3.) In distributing a sum of one hundred and fifty-five thousand pounds among the police authorities in Scotland who, or whose predecessors, have received out of the Exchequer a contribution to the cost of the pay and clothing of the police, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(4.) In distributing a sum of twenty thousand pounds among the parochial boards in Scotland as a contribution to the cost of Poor Law medical relief and trained sick nursing in poor-houses, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(5.) In distributing a sum of ninety thousand five hundred pounds among the parochial boards in Scotland as a contribution to the cost of maintenance of pauper lunatics chargeable to such boards in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(6.) The balance shall be applied towards relief from payment of school fees in the State-aided schools in Scotland, and shall be distributed in such manner and in accordance with such conditions as may from time to time be set forth in the Scotch Education Code annually submitted to Parliament;

The determination of the Secretary for Scotland as to the distribution of sums under this section shall be conclusive.

So much of any enactment as requires or authorises payment out of the Exchequer of any local grant in substitution for which the Secretary for Scotland is by this Act required to make or direct the payments in this section mentioned, is hereby repealed as from the thirty-first day of March next after the passing of this Act, without prejudice to any right accrued before that day.

As to Secretary for Scotland's power respecting efficiency of police.

23. If the Secretary for Scotland withholds, as respects the police of any police authority, his certificate under the Police Act, 1857, that the police of such authority has been maintained in a state of efficiency in point of numbers and discipline during the year ending on the fifteenth day of March then last past, he shall in lieu of directing payment of any sum under the provisions of this Act to such police authority forfeit to the Crown, and shall pay into Her Majesty's Exchequer, and shall charge to the Local Taxation (Scotland) Account such sum as, had the police of such police authority been certified to be efficient, would have been payable towards the cost of the pay and clothing of such police during the said year.

Supplementary provisions as to Local Taxation Account (Scotland).

24.—(1.) The account of the receipts and expenditure of the Local Taxation (Scotland) Account shall be audited as a public account by the Comptroller and Auditor General, in accordance with such regulations as the Treasury may from time to time make.

(2.) If at any time, in any financial year, the moneys standing to the Local Taxation (Scotland) Account are insufficient to meet such sums as the Secretary for Scotland considers proper for the time being to pay thereout, the Secretary for Scotland may borrow temporarily on the security of the said account, and of moneys becoming payable thereto, such sums as he requires for the purpose of meeting such deficiency, and the Bank of England may lend such sums, but all sums so borrowed shall be repaid with the interest thereon during the same financial year out of moneys payable to the said account.

PART III.

FINANCE.

Property, Funds, and Expenses of County Council.

Transfer of county property and liabilities.

25.—(1.) On and after the appointed day all such property as belongs or would, but for the passing of this Act, belong to or be vested in or held in trust for any authority whose powers and duties are by or in pursuance of this Act transferred to the county council of a county, shall pass to and vest in and be held in trust for such council, subject to all debts and liabilities affecting the same, and shall be held by the county council for the purposes for which such property is or would have been held, so far as such purposes are not modified by this Act; and if any question shall arise as to the heritable or moveable property of any parochial board as the local authority under the Public Health Acts, transferred by this Act, the same, failing agreement, may be determined by the Secretary for Scotland, but such determination shall have effect only until an adjustment by the Boundary Commission under or in pursuance of this Act.

(2.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Secretary for Scotland, to alienate the lands and heritages transferred by this section, but shall from time to time provide such accommodation and rooms, and such furniture, books, and other things, for the transaction of the business of the county council, and of the quarter sessions, justices of the peace, and commissioners of supply, as they respectively may from time to time reasonably require.

Provided that—

(*a.*) The existing records of or in the custody of the court of quarter sessions shall, subject to any order of that court, remain in the same custody in which they would have been if this Act had not passed; and

(*b.*) The justices of any county may retain pictures or other property on the ground that the same have been presented to them or otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council and the justices with respect to any such retention shall be referred to and determined by the Boundary Commissioners.

Property, funds, and expenses of county council.

26.—(1.) On and after the appointed day all debts and liabilities of any authority whose powers and duties are transferred by or in

pursuance of this Act to the county council of a county shall become debts and liabilities of such council, and shall, subject to the provisions of this Act, be defrayed by them out of the like funds out of which they would have been defrayed if this Act had not passed.

(2.) All receipts of the county council from whatever source shall be carried to the county fund, and all payments shall be made in the first instance out of that fund. Such receipts shall be paid into an incorporated or joint stock bank (including any branch thereof) for that purpose appointed by the county council, and such payments shall be made by cheques drawn, as in this Act provided, upon such bank.

(3.) In this Act "general county purposes" means all purposes for which the county council are for the time being authorised by law to incur any expenditure, with the exception of (1) the management and maintenance of highways, (2) the administration of the laws relating to public health, and (3) any special purpose in respect of which the county has been or may be divided into divisions or districts under the provisions of any general or local Act of Parliament or of this Act.

(4.) If the county fund is insufficient to meet the expenditure, rates (in this Act referred to as the owners consolidated rate and the occupiers consolidated rate, and together as the consolidated rates) may be levied to meet such deficiency for general county purposes upon all rateable property in the county, or, in the case of expenditure for the management and maintenance of highways, the administration of the laws relating to public health, or other special purpose as herein-before mentioned, upon all rateable property within the several districts or parishes of the county, as the case may be, in the manner and subject to the conditions in this Act provided.

(5.) The county council shall keep such accounts of the county fund, and of the sums raised by rates, as will prevent a rate being applied to any purpose to which it is not properly applicable.

(6.) The finance committee of the county council appointed under this Act shall prepare annually estimates of the receipts and expenses of the county fund and of the sums required to be raised to meet the deficiency of such fund for the expenditure chargeable thereon.

Rating.—Consolidation of Rates.

Imposition and regulation of the consolidated rates.

27.—(1.) The county council shall annually fix the rate in the pound of the rateable property which will be necessary to meet the deficiency in the county fund in respect of each branch of expenditure subject to its control, or for which it is responsible in whole or in part, and such rate shall be imposed upon all lands and heritages within the county, except that the rate for the management and maintenance of highways, the administration of the laws relating to public health, and any other special purpose as herein-before mentioned, shall be imposed upon all lands and heritages within each division or district or parish, as the case may be. The rate in respect of each branch of expenditure for which provision

is made under an Act of Parliament in force at the passing of this Act shall be deemed to be imposed under the powers and subject to the provisions of that Act, except in so far as these are inconsistent with the provisions of this Act. The rate necessary in respect of any branch or branches of expenditure for which no provision is made as last mentioned shall be imposed as a general purposes rate under this Act.

(2.) Subject to the provisions herein-after contained the rates shall be equally divided between owners and occupiers, and the sum of all the rates so fixed and divided shall, as affecting owners and occupiers respectively, constitute the owners consolidated rate and the occupiers consolidated rate, as the case may be, in respect of the lands and heritages situated therein.

(3.) The consolidated rates shall be imposed upon lands and heritages according to the annual value thereof as appearing on the valuation roll, but subject always to the provisions of the Public Health (Scotland) Act, 1867, in regard to all assessments leviable under that Act.

30 & 31 Vict. c. 101.

(4.) Where at the passing of this Act any rate leviable by the commissioners of supply in respect of any such branch of expenditure is payable by owners only, without relief to the extent of one half against the occupiers, the following provisions shall have effect; that is to say,

(i.) As soon as may be after the passing of this Act the sheriff shall ascertain and determine what has been during the ten years previous to the term of Whitsunday immediately preceding the passing of this Act the average amount in the pound of each such rate (in this Act referred to as the average rate), and shall cause his determination (which shall be final) to be recorded in the sheriff court books of the county.

(ii.) When ascertaining and determining the average rate in respect of any such branch of expenditure, the sheriff shall exclude any portion of a rate applicable to the payment of interest and repayment of principal of money borrowed in respect thereof: Provided that, until any money so borrowed shall be wholly repaid, a rate sufficient to provide for the payment of interest and repayment of principal thereof shall be payable by owners only, and shall be included in the owners consolidated rate.

(iii.) Where the rate fixed as herein-before provided by the county council as necessary to meet the deficiency in the county fund in respect of any branch of expenditure does not exceed the average rate determined as aforesaid, such rate shall, as heretofore, be payable by owners only, and shall be included in the owners consolidated rate. But where the rate so fixed by the county council exceeds such average rate, the portion of the rate beyond the average rate shall be payable by owners and occupiers equally. In the demand note the average rate and any increment thereof shall be separately set forth and demanded.

(5.) An outgoing occupier removing from any lands or heritages during the currency of a year for which a rate has been imposed

shall have a right of relief against the incoming occupier for the proportion of the rate applicable to the period of the year remaining unexpired at his removal.

PART IV.

REGISTRATION.

Registration of county electors.

28. In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, the following provisions shall have effect with respect to the registration of persons (in this Act referred to as county electors) entitled to vote in a county at an election of county councillors, and the Registration Acts shall be amended and shall be read and construed accordingly :—

(1.) Every person registered as a parliamentary elector for a county or division of a county shall be deemed to be registered as a county elector for that county, subject to the provisions following :—

(*a.*) As affecting the right to be a county elector, exemption from or failure to make payment of any consolidated rates shall be a disqualification in the same manner as and in addition to the disqualification arising from exemption from or failure to make payment of poor rate in the case of a parliamentary elector:

(*b.*) For the purpose of the registration of county electors the provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rates were therein named as well as and along with the collector of poor rate:

(*c.*) The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector as appearing in the parliamentary register or lists, if such parliamentary elector shall seem to him to be disqualified in respect of exemption from or failure to make payment of any consolidated rates, or because the qualifying premises are situated within the boundaries of a burgh within the meaning of this Act:

(*d.*) The forms of registers and lists and of notices of claim and objection and the provisions in regard to numbering on the register under the Registration Acts shall be varied so as to make them applicable to the registration of county electors as well as to the registration of parliamentary electors: Provided that the same forms may be made to apply both to parliamentary and county electors:

The assessor shall give notice on the lists published by him of the provisions of sub-section (*g*) herein-after contained and also of the distinctive mark used and to be used in pursuance of sub-section (*c*) of this section:

(*e.*) It shall be lawful to object to the insertion or omission of the distinctive mark in this section mentioned as nearly as may be in the same manner and subject to the same provisions as to appeal and otherwise as in the case of any other entry in or omission from such register and lists:

(*f.*) The provisions contained in sub-sections (*a*) and (*b*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine:

(*g.*) A parliamentary elector to whose number or name as appearing in the parliamentary register the distinctive mark as in this section mentioned is prefixed shall not be deemed to be registered as a county elector, and shall not be entitled to vote at an election of county councillors for the county.

(2.) In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, simultaneously with the preparation of the parliamentary register for a county or division of a county, there shall be prepared by the assessor charged with the preparation thereof a supplementary register (in this Act referred to as the supplementary register) of persons other than parliamentary electors in the county or division entitled to vote in the county at an election of county councillors; and the whole enactments of the Registration Acts which relate to the registration of parliamentary electors for a county including the provisions relating to officers and dates, and to numbering on the register shall, with the necessary alterations of notices and other forms, and other necessary variations extend and apply to the registration of county electors in the supplementary register, subject to the provisions following:—

(*h.*) Every peer otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a peer, shall nevertheless, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector:

(*i.*) Every woman, who is not married, or who being married is not living in family with her husband, otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a woman, shall, nevertheless, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector:

(*j.*) Where the parliamentary boundaries of a burgh do not coincide with the boundaries thereof within the meaning of this Act, every parliamentary elector for a burgh whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county, within the meaning of this Act, and every peer and every woman

as aforesaid otherwise possessing the qualification for being registered as a parliamentary elector for a county, but who is disqualified for being so registered by reason of being a peer or a woman as aforesaid, whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county as aforesaid, shall, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector for that county: Provided that, for the purpose of this sub-section, the assessor for the county shall have reasonable access to the schedules and lists of the assessor for the burgh:

(*k.*) As affecting the right to be so registered, exemption from or failure to make payment of any consolidated rates shall disqualify for registration in the same manner as and in addition to exemption from or failure to make payment of poor rate:

(*l.*) The provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rate were therein named as well as and along with the collector of poor rate:

(*m.*) The provisions contained in sub-sections (*k*) and (*l*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine.

(3.) The parliamentary and supplementary registers and lists shall be framed and printed in such parts as that they may be arranged in electoral divisions as fixed under this Act, as well as in parishes and polling districts.

(4.) Where the area (in this section referred to as the parliamentary area) of any county for the purposes of a parliamentary election differs from the area (in this section referred to as the county council area) of the county within the meaning of this Act, the proceedings for the registration of county electors shall be conducted as if the area of the county were for all purposes the parliamentary area: Provided that as soon as the said proceedings are completed the county clerk of the registering county shall transmit to the county clerk of any other county within the meaning of this Act, such copies as he may require of those parts of the county council register which relate to lands and heritages within the parliamentary area of the registering county, but within the county council area of such other county, upon payment of such sum as, failing agreement, shall be determined by the sheriff of either county: Provided also, that such parts of the county council register shall not form part of the county council register of the registering county, but shall form part of the county council register of such other county.

(5.) The parliamentary and supplementary registers shall, subject to the provisions of this Act, together constitute the county council register for the county, and the expense of making up the same shall be added to the expense of making up the parliamentary register, and shall be defrayed and provided for as if they were part thereof: Provided that no part of such additional expense shall be levied on any lands and heritages within a burgh.

(6.) Where a county is divided for the purposes of parliamentary representation, the provisions herein-before contained shall apply, subject to the necessary variations; and the parliamentary and supplementary registers prepared in pursuance thereof for the several parliamentary divisions of the county shall together constitute the county council register for the county.

Special provisions as to service franchise occupiers.

29. Notwithstanding section nine, sub-section (5), of the Representation of the People Act, 1884, there shall be entered in such column and with such heading as the deputy clerk register may approve, in the valuation roll of each county in the manner and subject to the provisions of the Valuation Acts, the annual value of every dwelling-house, the situation or description of which is entered in the said roll under the provisions of section nine, sub-section (2), of the Representation of the People Act, 1884. No person shall be liable to be rated in respect of such entry, but the person rated in respect of the occupancy of the lands and heritages which include such dwelling-house shall be entitled to relief against the person (in this Act referred to as a service franchise occupier) occupying the same under him by virtue of any office, service, or employment, in respect of so much of the occupiers consolidated rate paid by him as is applicable to the amount entered in the valuation roll under the provisions of this Act as the annual value of such dwelling-house:

48 & 49 Vict. c. 3.

Provided that where an arrangement has been made under which a deduction is expressly made in name of rates from the wages or emoluments of any service franchise occupier, this section shall not confer any right of relief as herein-before provided.

PART V.

ELECTION.

Election of councillors in a county.

30. For the purposes of the election of county councils established in pursuance of this Act the following provisions shall have effect; that is to say,

(1.) The election of county councillors in a county shall take place on the first Tuesday of February in the year one thousand eight hundred and ninety, and on the first Tuesday of December in the year one thousand eight hundred and ninety-two, and in every third year thereafter, and shall, subject to the provisions of this Act, be conducted in like manner as an election of town councillors in a burgh divided into wards, and the enactments regulating such an election shall, with the necessary variations, and so far as they are consistent with this Act, extend to

counties in like manner as if they were herein re-enacted with the substitution of "county" for "burgh," of "electoral division" or "division" for "ward," of "county clerk" for "town clerk," and of "February" for "November" at the first election in the year one thousand eight hundred and ninety, and of "December" for "November" at every subsequent election, and of the returning officer under this Act for the returning officer at a municipal election.

(2.) At the first election of councillors the returning officer shall be the sheriff, and at all subsequent elections such person as shall be appointed by the county council at their meeting in the month of October preceding the election. If a returning officer dies, resigns, or becomes disqualified, the Secretary for Scotland may appoint a fit person to act in his room. The returning officer, without prejudice to any other power, may, by writing under his hand, appoint a fit person to be his deputy, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to exercise or do in relation to the election, and shall, for the purposes of the election, have all the powers of the sheriff at a parliamentary election. The returning officer may appoint as a presiding officer any fit person although not possessing any professional status or qualification.

(3.) It shall not be competent to object to a nomination paper that it is not signed by more than two county electors entitled to vote for the candidate nominated.

(4.) The notice of election may be given by the returning officer not later than four o'clock afternoon on the third Tuesday preceding the day of election, and the nomination papers may be lodged with the county clerk at any time not later than four o'clock afternoon on the second Tuesday preceding the day of election.

(5.) Section six of the Ballot Act, 1872, shall apply in the case of elections under this Act, and the returning officer, in addition to using, free of charge, the rooms in that section mentioned for taking the poll, may use the same free of charge for counting votes. 35 & 36 Vict. c. 33.

(6.) All expenses properly incurred by the returning officer or county clerk in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law, shall be paid out of the county fund and provided for out of the general purposes rate herein-before mentioned.

The said expenses shall not exceed those allowed by such scale as at the first election the sheriff and at subsequent elections the county council may from time to time frame, subject to the approval of the Secretary for Scotland.

A county council shall, on the request of the returning officer, prior to a poll being taken at an election of a county council, advance to him such sum, not exceeding ten pounds for every thousand electors on the county council register, as he may require.

At the first election under this Act the provisions of this sub-section shall be held to apply to the commissioners of supply and to the county general assessment: Provided that, as soon as may be after such election, the provisional council hereafter mentioned shall repay to the commissioners of supply or arrange with them in regard to any sums paid or advanced by such commissioners under this sub-section.

(7.) The returning officer shall forthwith make a return of the persons elected to the county clerk, and also give notice in writing to the several persons elected of their election, and shall at the same time intimate the time and place of the first meeting of the council. It shall not be necessary for any person to intimate his acceptance of the office of county councillor before such first meeting.

Polling districts.

31. The polling places for the electoral divisions of a county for the purpose of the election of a county council shall be such as at the first election may be appointed in that behalf by the sheriff, and in subsequent elections shall be such as the returning officer may from time to time appoint.

Provided that, if the returning officer shall so determine, the county electors for two or more electoral divisions may, by public notice timeously given, be directed to poll at the same polling place, and such place shall be conveniently situated for the majority of such county electors.

One vote only.

32. No person shall be entitled to give more than one vote, or to vote for more than one candidate, at an election in a county of a county council.

Casual vacancies.

33. Casual vacancies in a county council caused by death, resignation, non-acceptance of office, or disqualification of a councillor not being a councillor elected by a burgh, shall be filled up by the county council: Provided that the person appointed to fill a casual vacancy shall be at the time of his appointment registered as a county elector for the county, and that he shall remain in office so long only as the person in whose room he was appointed would have remained in office.

Double returns.

34. If any person is returned to the county council of any county as representative of more than one electoral division, he shall, at or before the first meeting of the county council after such election, signify in writing to the council his decision as to the division which he desires to represent; and if he fails so to do the county council shall decide as to the division which he shall represent, and upon any such decision being made the office of councillor for the division or divisions which he does not thereafter represent shall be deemed vacant, and a fresh election shall be held.

Election not to be vitiated by technical defect.

35. No election held in pursuance of this Act shall be deemed to be vitiated in consequence of any neglect of any officer to give proper notice of the election, or in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in the election.

36. If, after the first election under this Act, in any case not provided for by this Act a county council of any county is not elected at the time at which it ought to be elected, or an insufficient number of members is elected for such council, the Secretary for Scotland shall by order provide for the holding a fresh election or fresh elections for supplying any such default or insufficiency in election at such times and in such manner as he may think expedient. Provision in case of no election or insufficient election.

PART VI.

APPLICATION OF ACT TO SPECIAL COUNTIES AND BURGHS.

37. With respect to the application of this Act to the county of Lanark, there shall be enacted the provisions following; that is to say, Application of Act to county of Lanark.

(1.) On and after the appointed day the ninety-second section of the Roads and Bridges (Scotland) Act, 1878, which relates to the county of Lanark is hereby repealed; and in lieu thereof it is enacted that for all the purposes of that Act in connexion with which the county of Lanark is not therein specially named, the lower ward, middle ward, and upper ward of the county of Lanark shall each be deemed and taken to be a district for the purpose of maintaining and managing the highways therein in the like manner as if the said county had been divided into districts under and by virtue of the sixteenth section of that Act; provided that any district for the purposes of maintaining and managing highways shall also be a district for the purpose of the administration of the laws relating to public health, and with power to the council of the said county to further sub-divide the county into districts or to make such other districts as to them may seem proper. 41 & 42 Vict. c. 51.

(2.) Nothing in this Act contained shall be held to repeal or alter the existing divisions of the county of Lanark for the purposes of sheriff court houses as the same are recognised by and enumerated in the twenty-second section of the Sheriff Court Houses Act, 1860. 23 & 24 Vict. c. 79.

(3.) So long as any debt or obligations created and laid upon the county of Lanark by the Prisons (Scotland) Act, 1877, shall remain unpaid and undischarged, but no longer, the existing divisions of the county enacted by the Prisons (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868, and the Prisons (Scotland) Act, 1877, shall continue. 40 & 41 Vict. c. 53. 31 & 32 Vict. c. 50.

(4.) The chairman of the county road trustees in the one hundred and ninth section of this Act mentioned shall in the case of the county of Lanark mean the chairman of the county road trustees of the county for all the purposes of the Roads and Bridges (Scotland) Act, 1878, in connexion with which the county is in the said Act specially named.

(5.) Sub-section five of section eighty-nine of the Roads and Bridges (Scotland) Act, 1878, shall not apply to any of the purposes of this Act, except the purposes of the last-mentioned Act.

(6.) The respective county road clerks and treasurers of the county of the lower ward of Lanark, the county of the middle ward of Lanark, and the county of the upper ward of Lanark, in office at the appointed day, shall, for the purposes and subject to the provisions of this Act, be deemed to be the clerks and treasurers of the said several districts into which such ward counties have by this Act been constituted.

(7.) The burgh of Coatbridge, in the county of Lanark, as constituted and described in the Coatbridge Act, 1885, shall for all the purposes of this Act be deemed to be a royal burgh.

Application of Act to Orkney and Zetland.

38. With respect to the application of this Act to the county of Orkney and lordship of Zetland, there shall be enacted the following provision; that is to say,

For the purposes of this Act Orkney and Zetland shall be separate counties.

Application of Act to county of Ross and Cromarty.

39. With regard to the counties of Ross and Cromarty, there shall be enacted the provisions following (that is to say):—

(1.) From and after the passing of this Act, the counties of Ross and Cromarty shall cease to be separate counties, and shall be united for all purposes whatsoever, under the name of the county of Ross and Cromarty.

(2.) The whole provisions of this Act, and of every other Act which, but for the provisions of this section, would have had effect in regard to the county of Ross and the county of Cromarty shall, with the necessary variations, be read and have effect in regard to the county of Ross and Cromarty, and a county council shall be elected for that county, which shall have, discharge, and be subject to the whole rights, powers, duties, and liabilities which, but for the provisions of this section, would have belonged to and rested on the county councils of the separate counties herein-before mentioned.

(3.) It shall be lawful for Her Majesty the Queen, by letters patent, to revoke the grant of a court of quarter sessions and the grant of a commission of the peace for the separate counties of Ross and Cromarty, and to grant a court of quarter sessions and to grant a commission of the peace for the county of Ross and Cromarty, and to make such provision as to Her Majesty seems proper for the protection of interests existing at the date of the revocation; and all enactments, laws, and usages with respect to justices and quarter sessions in any county in Scotland shall apply to the justices and quarter sessions of the county of Ross and Cromarty.

(4.) The present lieutenant of the county of Ross shall become lieutenant of the county of Ross and Cromarty, and after his death or resignation it shall be lawful for Her Majesty from time to time to appoint a lieutenant of the county of Ross and Cromarty; and the Acts relating to the general and local militia of the rest of Scotland shall apply to the said county as to any other county.

(5.) The existing commissioners of supply, income tax commissioners, deputy lieutenants, and justices of the peace for the

county of Ross and the county of Cromarty shall, without any new appointment, become commissioners of supply, income tax commissioners, deputy lieutenants, and justices of the peace for the county of Ross and Cromarty, and if they have duly qualified according to law they may act without again qualifying.

(6.) The existing officers of the county of Ross and the county of Cromarty shall be deemed to be existing officers of the county of Ross and Cromarty, subject to the provision that the clerk of supply of the county of Ross shall be deemed to be the clerk of supply of the county of Ross and Cromarty.

(7.) For the purposes of the county of Ross and Cromarty, section one hundred and nine of this Act shall be read and construed as if it referred to the persons who are at the passing of this Act lieutenant of the county of Ross, convener of the county of Cromarty, chairman of the county road trustees of Ross and Cromarty, and chairman of the local authority of the county of Ross under the Contagious Diseases (Animals) Act, 1878. 41 & 42 Vict. c. 74.

Application of Act to county of Dumbarton.

40. With respect to the application of this Act to the county of Dumbarton, the parishes of Cumbernauld and Kirkintilloch, including the burghs and police burghs situate therein, shall for the purposes of this Act, be considered as forming part of the county of Dumbarton.

Provided that the county councils of the counties of Dumbarton and Stirling may make agreements as to the adjustment of any property, income, debts, or liabilities affected by the transference of the maintenance and management of the highways within the said parishes to the county of Dumbarton, and in default of such agreement such adjustment shall be made by the Boundary Commissioners under the provisions of this Act.

Application of Act to counties of Aberdeen, Banff, and Elgin.

41. Whereas in the local Acts of Parliament relating to highways in the counties of Aberdeen and Banff and Elgin respectively special provisions were made for including within the county of Aberdeen, for the purposes of those Acts, certain portions of the county of Banff, viz., the parishes of Gamrie and Inverkeithney and parts of the parishes of Alvah and Rothiemay, and also for including in the county of Banff certain portions of the county of Elgin, viz., parts of the parishes of Bellie, Boharm, Keith, and Inveravon; and whereas the Aberdeenshire Roads Act, 1865, makes provision for proprietors redeeming the assessment for the extinction of certain road debts, the provisions following shall have effect; (that is to say,)

(*a.*) Notwithstanding anything in this Act contained, the counties of Aberdeen and Banff respectively shall, for all the provisions of this Act in regard to the administration of the laws relating to highways and to the administration of the laws relating to public health, be deemed to include those portions of the counties of Banff and Elgin respectively herein-before mentioned.

(*b.*) The councillors elected for the respective electoral divisions of the county of Banff in which are situate the parishes or

parts of the parishes of that county in this section before mentioned shall, with regard to the provisions of this Act for the administration of the laws relating to highways and for the administration of the laws relating to public health, have and exercise all the powers and duties of county councillors in the county of Aberdeen.

(*c.*) The councillors elected for the respective electoral divisions of the county of Banff in which are situate the said parishes of Gamrie and Inverkeithney shall not, with regard to the provisions of this Act for the administration of the laws relating to highways and to public health, have or exercise the powers and duties of county councillors in the county of Banff.

(*d.*) The councillors elected for the respective electoral divisions of the county of Elgin in which are situate the parts of the parishes of that county in this section before mentioned shall, with regard to the provisions of this Act for the administration of the laws relating to highways and to public health, have and exercise all the powers and duties of county councillors in the county of Banff.

(*e.*) Every proprietor who, or whose predecessor in virtue of section forty-five of the Aberdeenshire Roads Act, 1865, has redeemed the assessment therein mentioned and freed and released lands therefrom, shall be entitled to claim and receive from the county council of the county of Aberdeen the same exemption from said assessment which he at the passing of this Act is entitled to claim and receive from the county road trustees of said county.

(*f.*) Without prejudice to the provisions of sections twenty-five and twenty-six of this Act, nothing contained in this Act shall affect or abrogate the provisions of sections forty-one and forty-two of the Elgin and Nairn Roads and Bridges Act, 1863, and section sixty-two of the Banffshire Roads Act, 1866, except so much of the forty-first section of the last-mentioned Act as provides for a ferry and boats and barges, and authorises the collection of any tolls, and the said sections shall with the necessary variations apply after the appointed day to the county councils of the counties of Banff and Elgin respectively in the same manner as they apply at the passing of this Act to the county road trustees of the said counties. If any question shall arise as to the application of this sub-section it may be determined by the Secretary for Scotland.

(*g.*) Nothing in this section contained shall affect or limit the powers and duties of the Boundary Commissioners or of the Secretary for Scotland under this Act.

Provision as to county of Fife.

42. With respect to the application of this Act to the county of Fife, there shall be enacted the following provision, namely: The Act fifth and sixth William the Fourth, chapter sixty, intituled "An Act for providing in or near the burgh of Cupar more "extensive accommodation for holding the courts and meetings of "the sheriff, justices of the peace, and commissioners of supply "of the county of Fife, and for the custody of the records of the "said county," and the Act tenth Victoria, chapter thirty-two,

known as the "Dunfermline and Cupar Court Houses Act, 1847," are hereby repealed, and all the powers and rights conferred by said Acts, and the duties, obligations, and liabilities imposed by said Acts or otherwise upon the commissioners for whose appointment said Acts provide, and all lands, buildings, funds, effects, and property of whatever description belonging to or vested in said commissioners, and all debts and obligations of whatever nature of said commissioners, are hereby transferred to the county council of the county of Fife.

Provision as to certain burghs.

43. Wherever a royal burgh or police burgh, or part thereof, is included within the parliamentary area of a burgh, it shall nevertheless be deemed to be a separate burgh or police burgh for the purposes of this Act, having for these purposes the boundaries fixed or ascertained for police purposes under any general or local Act of Parliament.

PART VII.

APPOINTMENT OF BOUNDARY COMMISSIONERS AND SIMPLIFICATION OF AREAS.

As to Boundaries of Counties, &c.

Boundaries of counties.

44. For the purposes and subject to the provisions of this Act, and except so far as varied by an order made under this Act, as herein-after mentioned the following provisions shall have effect:—

(*a.*) From and after the passing of this Act, counties shall have the contents and boundaries which they respectively have, or in the case of counties still subject to local Acts of Parliament regulating highways will have, after the appointed day for the purposes of the Roads and Bridges (Scotland) Act, 1878; and

(*b.*) The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, or when no police assessment is levied as the same are or may be ascertained, fixed, or determined for municipal purposes: Provided that police burghs shall not in any case be deemed to be burghs for the purposes of this Act except for the purposes of and subject to the provisions of the Roads and Bridges (Scotland) Act, 1878. 41 & 42 Vict c. 41.

(*c.*) If any question arises as to whether a part of a county is detached or as to the county with which the part has the longest common boundary, or as to the county with which a burgh has the longest common boundary, the sheriff in the year one thousand eight hundred and eighty-nine, and thereafter the Boundary Commissioners, may by order determine the question.

Constitution of Boundary Commission.

45.—(1.) For the purposes of this Act respecting the formation of electoral divisions, and also so far as expedient for the purpose of regulating the boundaries of counties, and making the boundaries of burghs and parishes coincide with those of counties, and for

dealing with detached parts of counties or parishes, the following persons; that is to say, James Arthur Crichton, Esquire, Sheriff of the Lothians, the Honourable Thomas Henry William Pelham, and Colonel Edward Donald Malcolm, C.B., Royal Engineers (of whom the first named shall be chairman), are constituted Commissioners under this Act; and if any vacancy occurs in the office of the chairman or any Commissioner by reason of death, resignation, incapacity, or otherwise, it shall be lawful for Her Majesty, under Her Royal Sign Manual, to appoint some fit person to fill the vacancy, and so from time to time as often as occasion requires.

(2.) The Commissioners appointed under this Act shall be styled "The Boundary Commissioners for Scotland," and are elsewhere in this Act referred to as the Boundary Commissioners or the Commissioners, and shall have a common seal, of which judicial notice shall be taken by all courts of justice, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

(3.) The Boundary Commissioners may from time to time, by order under their hand, require any public officer to produce to them any maps, plans, or other public documents in his possession or under his control which such Commissioners may consider necessary for the execution of their duties under this Act.

(4.) The powers of the Boundary Commissioners shall commence immediately after the first election of county councillors under this Act and shall be exercised within two years next after such commencement.

(5.) Any power or act by this Act vested in or authorised to be done by the Boundary Commissioners may be exercised or done by any two of them.

(6.) An act or proceeding of the Boundary Commissioners shall not be invalid by reason only of any vacancy in their body.

Appointment of officers. Salaries and expenses.

46.—(1.) The Boundary Commissioners may from time to time, with the assent of the Treasury as to number, appoint or employ assistant commissioners, a secretary, and such number of other officers and persons as they may think necessary for the purpose of enabling them to carry into effect the provisions of this Act, and the Boundary Commissioners may remove any person so appointed or employed.

(2.) There shall be paid to the Boundary Commissioners under this Act, and to their assistant commissioners, secretary, officers, and persons, such salaries or remuneration as the Treasury may assign, and those salaries and remuneration and all expenses of the Boundary Commissioners incurred with the sanction of the Treasury in the execution of this Act shall be paid out of moneys provided by Parliament.

Settlement of electoral divisions.

47.—(1.) The Boundary Commissioners shall proceed as soon as may be after such commencement as in this part of this Act mentioned to inquire into the circumstances of every county, and shall by order determine the contents and boundaries of the electoral divisions, and shall, so far as seems practicable, adopt, for the purpose of forming such electoral divisions, parishes or groups of

parishes and police burghs, or if they find it necessary to divide a parish or police burgh or to group parishes or parts of parishes into two or more electoral divisions, they shall not have power to include any portions of two or more districts formed under the provisions of this Act in one electoral division. The Boundary Commissioners in determining such electoral divisions shall have regard to the annual value of the lands and heritages therein as appearing on the valuation roll, to the area thereof, and to the population thereof, and the distribution and pursuits of such population, so as to make the representation on the county council of the electoral divisions and burghs approximately equal, but subject always to the provisions of this Act.

(2.) Before making an order under this section the Boundary Commissioners shall consult with the authorities concerned, and shall cause the proposed order to be published in the Edinburgh Gazette and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and shall thereafter make the order and cause the same to be forthwith published in the Edinburgh Gazette, and once in each of two successive weeks in some one and the same newspaper circulating in the district.

Temporary provisions in regard to electoral divisions, &c. at first election of county councillors.

48.—(1.) As a temporary provision for the purposes of the first election of county councillors under this Act the sheriff shall divide the county into electoral divisions, and in doing so shall have regard as far as may be to the provisions contained in section forty-four and sub-section (1) of the immediately preceding section of this Act.

(2.) The sheriff shall make an order under this section for each county, and shall transmit the order to the sheriff clerk and to the clerk of supply before the twentieth day of September next after the passing of this Act, and shall cause the same to be forthwith published in the Edinburgh Gazette and once in each of two successive weeks in some one and the same newspaper circulating in the district.

(3.) The temporary provisions aforesaid shall take effect from and after their publication as aforesaid, and shall cease to have effect immediately after the first election of county councillors under this Act.

(4.) All expenses properly incurred by the sheriff under this section shall be deemed to be part of the expense of making up the register of county electors, and be defrayed and provided for accordingly.

Powers and duties of Boundary Commissioners.

49.—(1.) The Boundary Commissioners shall proceed as soon as may be after such commencement as in this part of this Act mentioned to inquire into the circumstances of the counties, burghs, and parishes, and detached parts of counties and parishes, and shall frame orders for dealing with such counties, burghs, parishes, and detached parts, so that each burgh and parish, if the Commissioners shall in the whole circumstances of the case deem it necessary or expedient, may be within a single county, and that no part of a county or parish be detached therefrom, and such orders may

provide for such alteration of boundaries, whether of the county or of any other area, as may seem necessary for the said purpose, and such alteration shall have effect for all purposes, whether county council, justices, sheriff, militia, parochial board, school board, local authority, or other, save as herein-after provided.

(2.) The Commissioners before framing any order shall communicate with such of the authorities, whether sheriffs, quarter sessions, county councils, town councils, police commissioners, parochial boards, school boards, local authorities, or others, as appear to them to be concerned, and when they have framed a draft order shall cause the same to be communicated to such of the said authorities as appear to them to be concerned and to be published, and shall consider any objections or suggestions made in relation to such order within one month after such communication or publication.

(3.) The Boundary Commissioners may finally make such order and publish it in the Edinburgh Gazette and bring it before Her Majesty, and subject as herein-after mentioned, it shall be lawful for Her Majesty in Council to confirm such order, and thereupon the order shall have effect as if enacted by Parliament.

(4.) Provided that if within one month after such publication of the order, any of the authorities affected by the order petition Her Majesty in Council to cause the order to be laid before Parliament, and such petition is not withdrawn or if the Secretary for Scotland recommends that the order shall be laid before Parliament, the order of the Boundary Commissioners shall be deemed to be a provisional order, and shall be of no effect unless confirmed by Parliament.

(5.) The Secretary for Scotland may introduce a Bill confirming any such provisional order, and if any petition is presented against such order, the Bill, so far as it relates to the order petitioned against, shall be deemed to be, and the petitioners shall be allowed to appear and oppose as in the case of, a private Bill.

(6.) An order of the Boundary Commissioners as in this section mentioned may provide for all or any of the following matters, that is to say,—

(*a.*) may provide for the abolition, restriction, establishment, or extension of the jurisdiction of any authority in or over any part of the area affected by the order, and for the adjustment or alteration of the boundaries of such area, and for the constitution of the authorities therein, and may deal with the powers and rights of authorities therein and with any offices therein, and may determine the status of any such area as a component part of any larger part, and for the election of representatives in such area;

(*b.*) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the order, and for the management of their property;

(*c.*) may provide for all matters which appear to the Commissioners necessary or proper for giving full effect to the order.

When an order under this Act has taken effect, the Boundary Commissioners may provide for the adjustment and disposal of the

property, debts, and liabilities of the various authorities affected by the order, and for the settlement of differences arising out of the order.

Adjustment of property and liabilities.

50.—(1.) Any councils and other authorities affected by this Act, or by any order, or other thing made or done in pursuance of this Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, of the parties to the agreement, so far as affected by this Act, or such order, or thing, and the agreement, and any other agreement authorised by this Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint use, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum or of an annual payment.

(2.) In default of an agreement as to any matter requiring adjustment for the purposes of this Act, then, if no other mode of making such adjustment is provided by this Act, such adjustment may be made or determined by the Commissioners.

(3.) The Commissioners when making an adjustment under this Act shall be deemed to be a single arbiter within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the Commissioners may state a special case on any question of law for the opinion of either Division of the Inner House of the Court of Session, who are hereby authorised finally to determine the same along with any question of expenses.

8 & 9 Vict. c. 19.

(4.) The payment of any sum required to be paid for the purpose of any adjustment or of any award or order made by the Commissioners may be made out of the county fund or out of the funds of any burgh, as the case may be, or shall be a purpose for which a county council may borrow under this Act, or a town council may borrow under any general or local Act, and the powers of borrowing conferred on any town council by any such Act are hereby extended accordingly.

(5.) Any capital sum paid to any county council or town council for the purpose of any adjustment, or in pursuance of any order or award of the Commissioners under this Act, shall be treated as capital, and applied, with the sanction of the Secretary for Scotland, either in the repayment of debt, or for any other purpose for which capital money may be applied.

As to subsequent Alteration of Boundaries, &c.

Alteration of boundaries, simplification

51. On the representation of a county council or of a town council the Secretary for Scotland may at any time after the expiry

of areas, &c. by provisional order.

of the powers of the Boundary Commissioners by order provide for all or any of the following things:—

(*a.*) For altering the number of county councillors, the number, contents, and boundaries of electoral divisions, and the assignment of county councillors to counties and burghs;

(*b.*) For altering the boundaries of the county;

(*c.*) For altering the boundaries of any burgh or of any parish situate or partly situate in the county;

(*d.*) For uniting several parishes or parts of parishes into one parish, or annexing one or more of such parish or parishes or parts of parishes to a larger parish; and any parish so formed by a union of parishes or parts of parishes, or enlarged by annexation, shall for all purposes be deemed to be one parish;

(*e.*) For dividing any parish in the county which by reason of its inconvenient extent, or by reason of its forming part of, or having within its boundaries, or lying partly within or partly without a burgh, or a police burgh, it seems expedient to divide, and for uniting all or any of such sub-divisions of the parish with other parishes;

(*f.*) For the proper adjustment and distribution of the powers, property, liabilities, debts, officers, and servants of any local authority, consequential on any consolidation, alteration of boundaries, or other act done in pursuance of this section; and

(*g.*) Generally for doing any matter or thing whatever, whether similar or not to those above mentioned, which may be required or be expedient for the proper carrying into effect the purposes of this Act and the settlement of local differences:

Provided as follows:—

(i.) An order under sub-section (*a*) of this section shall not be made unless after the date of any previous order determining the matters therein mentioned there shall have occurred a material change of circumstances in respect of the population and annual value of the counties, burghs, or electoral divisions concerned in such order;

(ii.) If an order under this section alters the boundaries or contents of any county, burgh, or parish it shall be provisional only, and shall not have effect unless confirmed by Parliament; and

(iii.) Provision shall be made in any order under this section for preserving the rights of creditors and all persons having vested interests, and whose rights would otherwise be affected by any alteration made in pursuance of this section;

(iv.) This section shall be in addition to, and not in derogation of, any provisions in force at the passing of this Act in respect of the union, disjunction, or erection of parishes.

PART VIII.

SUPPLEMENTAL.

Provisions as to Powers of Council.

Power to appoint medical officer and

52.—(1.) The council of every county shall appoint and pay a medical officer or medical officers and a sanitary inspector or sanitary

inspectors, who shall not hold any other appointment or engage in private practice or employment without express written consent of the council. sanitary inspector for county.

(2.) The county council and any district committee, as the local authority under the Public Health Acts, may from time to time make and carry into effect arrangements for rendering the services of such officer or officers regularly available in the district of the district committee, on such terms as to the contribution by the district committee to the salary of any medical officer or sanitary inspector, or otherwise, as may be agreed, and the medical officer or sanitary inspector shall have within such district all the powers and duties of a medical officer or sanitary inspector appointed by a district committee.

(3.) So long as such an arrangement is in force, the obligation of the district committee as the local authority under the Public Health Acts to appoint a medical officer or sanitary inspector shall be deemed to be satisfied without the appointment of a separate medical officer or sanitary inspector.

53.—(1.) Every medical officer and sanitary inspector under the Public Health Acts for a district in any county shall send to the county council a copy of every report of which a copy is for the time being required by the regulations of the Board of Supervision (which they are hereby authorised to make) to be sent to that Board. Medical officer, &c. to send reports to county council, &c.

(2.) If it appears to the county council that the Public Health Acts have not been properly put in force within any district, or that any other matter affecting the public health of the district requires to be remedied, the council may cause a representation to be made to the Board of Supervision on the matter.

54.—(1.) No person shall hereafter be appointed the medical officer of any county or district or parish, unless he is a registered medical practitioner. Qualifications of officers, &c.

(2.) No person shall after the first day of January one thousand eight hundred and ninety-three be appointed the medical officer under the Public Health Acts for a county or district or parish which contained, according to the last published census for the time being, a population of thirty thousand or upwards, unless he is qualified as above mentioned, and also is registered on the Medical Register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886. 49 & 50 Vict. c. 48.

(3.) No person shall, except with the express consent of the Board of Supervision, be appointed as the sanitary inspector for a county unless he has been during the three consecutive years preceding his appointment the sanitary inspector of a local authority under the Public Health Acts.

(4.) Every medical officer and every sanitary inspector appointed under this Act or under the Public Health Acts shall be removable from office only with the sanction of the board of supervision.

55.—(1.) On and after the appointed day a county council shall have power, in addition to any other authority, to enforce the pro- Power to county council to enforce

provisions of 39 & 40 Vict. c. 75.

visions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to so much of any stream as is situate within, or passes through or by, any part of their county, and for that purpose they shall have the same powers and duties as if they were a sanitary authority within the meaning of that Act, or any other authority having power to enforce the provisions of that Act, and the county were their district.

(2.) Any county council shall have power to contribute towards the expenses of any prosecution under the said Act instituted by any other county council or by any sanitary authority.

(3.) The Secretary for Scotland, by provisional order made on the application of the council of any of the counties and burghs concerned, may constitute a joint committee or other body representing all the counties and burghs through or by which a river, or any specified portion of a river, or any tributary thereof, passes, and may confer on such committee or body all the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, or such of them as may be specified in the order, and the order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the counties and burghs represented by it, and for the audit of the accounts of such committee or body, and their officers.

A provisional order made under this section shall be of no effect until it is confirmed by Parliament.

Council to have power to oppose Bills in Parliament, &c.

56. The council of a county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the county, as are conferred by the Act of the thirty-fifth and thirty-sixth years of Her present Majesty, chapter ninety-one; and, subject as herein-after provided, the provisions of that Act shall extend to a county council as if such council were included in the expression "governing body," and the county were the district in the said Act mentioned.

Provided that—

(*a.*) No consent of owners and ratepayers shall be required for any proceedings under this section:

(*b.*) This section shall not empower a county council to promote any Bill in Parliament, or to incur or charge any expense in relation thereto, save only a Bill for confirming a Provisional Order made under or in pursuance of the provisions of any Act of Parliament:

(*c.*) The consent of the Secretary for Scotland shall be substituted for the consent of the Secretary of State or Local Government Board.

Byelaws.

Power of county councils to make byelaws.

57.—(1.) The council of a county may from time to time make such byelaws as to them seem meet for the administration of the affairs of the county, for the prevention of vagrancy, and for

prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the county, and may thereby appoint such penalties, not exceeding in any case five pounds, as they deem necessary for the punishment of offences against the same.

(2.) Such a byelaw shall not be made unless at least two thirds of the whole number of the council are present.

(3.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the doors of the county buildings, and of all the parish churches and public schools within the county, and has been advertised in one or more newspapers circulating in the county.

(4.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof signed by the county clerk has been sent to the Secretary for Scotland; and if within those forty days the Secretary for Scotland disallows the byelaw or part thereof, the byelaw or part disallowed shall not come into force; but it shall be lawful for the Secretary for Scotland, at any time within those forty days, to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of that enlarged time.

(5.) A byelaw made under this section shall not be of any force or effect within any burgh or police burgh unless it has been made with the consent of the town council of such burgh, or the commissioners of police of such police burgh.

(6.) The production of a written or printed copy of a byelaw made by a county council under this Act, if authenticated by the signature of the county clerk, shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and, if it is so stated in the copy, of the byelaw having been approved and confirmed by the Secretary for Scotland, or having been made with the consent of the town council of any burgh or police commissioners of any police burgh therein named.

Provided that all byelaws with reference to any of the matters aforesaid now in force within any county shall remain in force until new byelaws have been made under the provisions of this section.

Regulations relating to bicycles, &c. 41 & 42 Vict. c. 51. 25 & 26 Vict. c. 101.

58.—(1.) The provisions of the Roads and Bridges (Scotland) Act, 1878, and the General Police and Improvement (Scotland) Act, 1862, in so far as they give power to make byelaws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts in so far as they give power to any local authority to make byelaws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the said Acts; and the following additional regulations shall be observed by any person or persons riding or being upon such carriage;

(*a.*) During the period between one hour after sunset and one hour before sunrise every person riding or being upon such carriage shall carry attached to the carriage a lamp which

shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage;

(5.) Upon overtaking any foot passenger or cart or carriage, or any horse, mule, or other beast of burden, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such foot passenger, cart or carriage, horse, mule, or other beast of burden, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage;

(2.) Any person summarily convicted of offending against the regulations made by this Act shall for each and every such offence forfeit and pay any sum not exceeding forty shillings.

Provisions as to Transfer.

Members of local authority under Contagious Diseases (Animals) Acts to cease to hold office.

59. From and after the appointed day all enactments in regard to the qualification and appointment of members of the local authority for a county under the Contagious Diseases (Animals) Acts shall be repealed, and all existing members of such local authority shall cease to hold office. The county council shall become the said local authority and the convener of the county shall be the chairman and the county clerk shall be the clerk of such authority without any further appointment or remuneration.

Where the parliamentary area of a county or burgh differs from its area within the meaning of this Act, the Secretary for Scotland may determine which shall be the administrative and rating authority under the Contagious Diseases (Animals) Acts in any portion of such area, and his determination shall, subject to the provisions of this Act, have the same force and effect as if it were enacted in this Act: Provided that such determination shall not limit the powers of the Boundary Commissioners under this Act.

Further arrangements with burghs, &c. under 7,000.

60. In order to give effect to the provisions contained in sections thirteen and fourteen of this Act with respect to the burghs and police burghs therein referred to, the following further provisions shall have effect:

(1.) The county council and the town council or police commissioners of any such burgh or police burgh, as the case may be, may make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by this Act, in manner and to the effect herein-after provided:

(2.) In case of any inability to agree upon any matter requiring adjustment for the purpose of this Act, the Boundary Commissioners herein-before appointed, and after the expiry of the powers of the Boundary Commissioners the Secretary for Scotland, on the application of either party, may by order make the adjustment in the manner and to the effect herein-before provided:

(3.) Every such burgh shall contribute to the county fund in aid of the expenditure thereout for the administration of the

police and of the Contagious Diseases (Animals) Acts, or for the latter purpose only, as the case may be:

(4.) For the purpose of every such contribution the rateable property of the burgh, as appearing on the valuation roll of the burgh, shall be included in the rateable property of the county, and the item of the consolidated rates applicable to the expenditure in the immediately preceding sub-section mentioned shall be ascertained and fixed accordingly as if such burgh were one of the parishes in the county; but the amount of the contribution apportioned to the burgh shall not be assessed by the county council on the several lands and heritages in such burgh, but shall be paid by the town council out of the police assessment, or, if there is no police assessment, out of any other assessment imposed and levied therein or out of the common good of such burgh:

(5.) The lands and heritages within any such police burgh shall be assessed by the county council in respect of the expenditure on the administration of the police and of the Contagious Diseases (Animals) Acts in the same manner as other lands and heritages within the county.

Summary proceeding for determination of questions as to transfer of powers.

61. If any question arises or is about to arise as to whether any business, power, duty, or liability is or is not transferred to any county council or joint committee, or district committee under this Act, that question, without prejudice to any other mode of trying it, may on the application of the county council or other authority concerned, or of the clerk of the peace, be submitted for decision to either division of the Inner House of the Court of Session in a summary way; and the court, after hearing such parties, and taking such evidence (if any) as it thinks just, shall decide the question, and such decision shall be final.

Provisions as to Rating.

Levy of consolidated rates.

62. The following provisions shall be made with respect to the levy of the consolidated rates; that is to say,

(1.) All rates imposed by the county council shall be deemed and taken to be for the year (in this Act referred to as the local financial year) from the fifteenth day of May preceding the date of imposing the same, and shall be made payable on or before a day to be fixed by the council not being earlier than the first day of November then ensuing.

(2.) The demand note shall set forth the several branches of expenditure in respect of which the consolidated rates are imposed and the amount in the pound applicable to each several branch, and shall state the amount to be paid by the person named in the note and the manner and time of appealing against and paying such amount and such other particulars as shall be prescribed.

(3.) The county council shall make regulations in regard to the lodging and hearing of appeals against rates, and shall hear any appeals lodged in accordance therewith.

(4.) The county council may relieve from payment of any rate any occupier of lands and heritages under the annual value

of four pounds as appearing on the valuation roll on the ground of poverty, but only on application by such occupier; but no lands or heritages shall be exempted from assessment on the ground that they are under the said annual value, or are or have been during the period of assessment unoccupied and unfurnished, except in respect of the amount payable by the occupier.

(5.) The whole powers and rights of issuing summary warrants and proceedings, and all remedies and provisions enacted for recovery of the land and assessed taxes, or either of them, and other public taxes, shall be applicable to the rates by this Act authorised to be imposed by the county council of any county, and sheriffs, justices of the peace, and other judges may, on the application of the county clerk or collector, grant warrant for the recovery of such rates and expenses, in the like form and under the like penalties as are provided in regard to such land and assessed taxes and other public taxes: Provided, nevertheless, that it shall be competent to the council to prosecute for and recover such rates by action in the sheriff small debt court, or in any other court, as the case may be, and that in any summons, complaint, petition, or action for the recovery of such rates more than six defenders may be cited and called, any law or practice to the contrary notwithstanding; and all rates imposed under any powers transferred or conferred by this Act shall, in the case of bankruptcy or insolvency or liquidation, be preferable to all debts of a private nature due by the parties assessed.

Power to modify regulations as to rating.

63. In any case in which it shall happen that, by reason of the special enactments regulating the rating in any division or district of a county, the provisions contained in this Act cannot conveniently receive effect without modification or addition, the county council may by regulations make such modification or addition, and such regulations shall have effect as if they were contained in this Act. But no such regulations shall be made unless public notice of their purport has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such regulations relate, and also in the Edinburgh Gazette.

Provided that such regulations shall have no effect until they have been confirmed by the sheriff after such publication and inquiry as he shall think necessary.

Inspection of assessment roll.

64. Any ratepayer and any officer of Inland Revenue may, at any reasonable hour and subject to any regulations made by the county council, inspect the assessment roll, and any estimate made previously thereto, and may take copies thereof, or extracts therefrom, without fee; and whosoever, having the custody of such estimate or roll, refuses to allow or does not permit such inspection to be made, or such copies or extracts to be taken, shall for every such offence be liable to a penalty not exceeding five pounds.

Assessment roll to be evidence.

65. The production of the assessment roll made under this Act shall alone, and without any other evidence whatsoever, be received

as primâ facie evidence of the making and validity of the rates therein mentioned.

Burgh Contributions.

Requisition for and payment of burgh contributions to county fund.

66. The county council annually, and not later than the month of October in each year, shall cause a requisition to be sent to the town council of any burgh, requiring them to pay the sum or sums which under the provisions of this Act they are liable to contribute to the county fund in aid of the expenditure thereout for the purposes set forth in the requisition; and the town council shall, on or before the fifteenth day of January next ensuing, pay to the county council the said sum or sums without any deduction whatever.

Borrowing.

Borrowing by county council.

67.—(1.) The county council may from time to time, with the consent in writing (signed by two members and the county clerk) of the standing joint committee appointed in pursuance of this Act, borrow on the security of any rate leviable by the council under or in pursuance of this Act or of any other Act, such sums as may be required for the following purposes, or any of them; that is to say,

(*a.*) For any purpose for which any authority whose powers and duties are by or in pursuance of this Act transferred to the county council were, at the passing of this Act, authorised to borrow;

(*b.*) For any purpose for which the county council is expressly authorised to borrow under the provisions of this Act; and

(*c.*) For making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonization of inhabitants of the county, with a guarantee for repayment of such advances from any authority in the county or the government of any colony;

but neither the transfer of powers by this Act nor anything else in this Act, shall, save as herein-after provided, confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by any Acts relating to such borrowing, and the said standing joint committee, before giving their consent, shall take into consideration any representation made by any ratepayer.

(2.) A loan under this section shall be repaid within such period, not exceeding thirty years, as the county council, with the consent of the said standing joint committee, determine in each case.

(3.) The county council shall pay off every loan either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with regulations which may from time to time be framed in that behalf by the Secretary for Scotland.

(4.) If the county council shall find it necessary in any year to make payments, in connexion with the current annual expenditure, for the purposes of the various Acts of Parliament administered by them in anticipation of the rates under the said Acts applicable to the expenditure of such year, they may, without any consent, borrow from any incorporated or joint stock bank, or other company or person, on such terms and conditions and in such form as may be agreed on between the parties, money on the security of such part of the rates as is still due and unreceived, but not to an amount greater than one-half of such part of such rates, and when any money has been so borrowed on the security of the rates of any local financial year, it shall not be competent to borrow on the security of the rates of any other year until the money borrowed as aforesaid shall have been paid off.

(5.) Where a loan is raised for any purpose upon the security of any rate leviable by the county council under or in pursuance of this Act, or of any other Act, the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

(6.) Where money has been borrowed by a county council or by any authority whose powers and duties are by or in pursuance of this Act transferred to the council until the loan has been discharged, the county council shall, within twenty-one days after the expiration of each local financial year, transmit to the Secretary for Scotland a return in such form and verified in such manner as may from time to time be prescribed, showing the amount of the loan still outstanding, and the steps which have been taken to comply with the provisions of this or any other Act in regard to its payment and discharge.

Accounts and Audit.

Audit of accounts of county council.

68.—(1.) The accounts of the receipts and expenditure of a county council (including those of the district committees) shall be made up and balanced to the fifteenth day of May in every year in such form and shall be completed and signed by such person or officer and before such date as the Secretary for Scotland shall from time to time prescribe.

(2.) The accounts of a county council (including as aforesaid) shall be audited in manner herein-after provided; and from and after the appointed day all provisions in regard to the audit of accounts of any administrative body whose powers and duties are by this Act transferred to the county council are hereby repealed.

Appointment of county auditors.

69. The Secretary for Scotland shall from time to time appoint one or more fit persons (in this Act referred to as county auditors) to audit the accounts of each county council (including those of the district committees), and may remove any county auditor.

The county council shall pay to a county auditor such salary and allowances as shall from time to time be fixed by the county council subject to the approval of the Secretary for Scotland.

Subject to the regulations herein-after contained, the Secretary for Scotland may make, and when made may revoke and vary, rules for the guidance of county auditors in the discharge of their

duties: Provided that no such rules when made or varied shall be in force until they have lain for not less than one month on the table of both Houses of Parliament.

Provisions for audit.

70. The following regulations with respect to audit shall be observed; (that is to say,)

(1.) Before each audit the county clerk shall, after receiving from the county auditor the requisite appointment, give at least fourteen days notice, in such manner as shall be prescribed from time to time, of the time and place at which the audit will be made, and of the deposit of accounts required by this section, and of the name and address of the county auditor.

(2.) An abstract in duplicate of the accounts duly made up, balanced and signed as aforesaid, shall, together with all assessment books, account books, deeds, contracts, accounts, vouchers, and receipts mentioned or referred to in such accounts, be deposited in the offices of the county council and be open between the hours of eleven forenoon and three afternoon to the inspection of all ratepayers within the county or within any burgh liable to contribute to the county fund, as herein-before provided, for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without any fee; and any officer of the county council duly appointed in that behalf refusing to allow inspection thereof shall be liable to a penalty not exceeding five pounds.

(3.) For the purpose of any audit under this Act, every county auditor may, by a demand in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may deem necessary, and may require any person holding the same or accountable therefor to appear before him at any such audit, or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if such person neglects or refuses so to appear, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of perjury.

(4.) Any ratepayer may make any objection to such accounts or any part thereof, and shall transmit the same and the grounds thereof in writing to the county auditor, and a copy thereof to the officer concerned, two clear days before the time fixed for the audit, and any ratepayer may be present at the audit and may support any objection made as herein-before provided either by himself or by any other ratepayer.

(5.) If it shall appear to any county auditor acting in pursuance of this section that any payment is in his opinion contrary to law and should be disallowed or that any sum, which in his opinion ought to have been, is not brought into account by any person,

whether such payment or failure to account has been made matter of objection or not, he shall by an interim report under his hand report thereon to the Secretary for Scotland, setting forth the grounds of his opinion as aforesaid; and the Secretary for Scotland shall cause such interim report to be intimated to the objector, if any, and to the officer or other person affected thereby; and after due inquiry the Secretary for Scotland shall decide all questions raised by such interim report, and shall disallow all illegal payments and surcharge the same on the person or persons making them, and shall allow all sums which ought to have been but have not been brought into account.

(6.) If the Secretary for Scotland shall be of opinion that, although a disallowance or surcharge might be lawfully made, the subject-matter thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should not be made, he may abstain from making the same.

(7.) Every sum determined by the Secretary for Scotland under this Act to be due from any person shall be paid by such person to the county council within fourteen days after such determination has been intimated to him, and if such sum is not so paid it shall be the duty of the county auditor to recover the same, and the county council shall reimburse him for his expenses, including a reasonable allowance for his time in so far as not recovered from the person surcharged.

(8.) Within fourteen days after the completion of the audit, or, as the case may be, after the Secretary for Scotland has determined any questions raised under an interim report by the county auditor, the county auditor shall report on the accounts audited, and shall certify on each duplicate abstract thereof the amount in words at length of the expenditure so audited and allowed, and further that the regulations with respect to the accounts have been complied with, and that he has ascertained by the audit the correctness of the accounts. He shall forthwith send one duplicate abstract of the accounts herein-before mentioned to the county council, who shall cause the same to be deposited in their office, and shall publish such abstract in the form prescribed in some one or more of the newspapers circulating in the county. The county auditor shall also forthwith send the other duplicate abstract of the accounts so certified by him to the Secretary for Scotland; provided that if the Secretary for Scotland shall so determine, such abstract may come in place of and render unnecessary a return of the receipts and expenditure of the county council in pursuance of the Local Taxation Returns (Scotland) Act, 1881.

44 & 45 Vict. c. 6.

(9.) Where any surcharge has been made as herein-before provided, or the county auditor has made any interim report or report respecting the accounts or the receipts and expenses of the county council, the council shall cause the surcharge and interim report or report to be printed and published, together with the abstract of their accounts herein-before mentioned,

and to be delivered to any ratepayer as in this section mentioned who asks for the same, and in case of default in such publication the Secretary for Scotland may cause the same to be published, and the cost of such publication, to the amount certified by the Secretary for Scotland, shall be a debt due from the county council to Her Majesty, and the county clerk shall be liable in case of default in such publication to a fine not exceeding twenty pounds.

Local Annual Budget.

Annual budget of county council.

71. At their meeting in the month of October in each local financial year every county council shall cause to be submitted to them the estimates, prepared as herein-before provided by the finance committee, of the receipts and expenditure of such council (including those of the district committees) during that financial year, whether on account of property, contributions, rates, loans, or otherwise, and shall revise such estimates and authorise such expenditure and make such provision for meeting the same as they shall approve under the provisions herein-before contained.

Incorporation of County Council and Proceedings of County Council and Committees.

Incorporation of county council.

72. The county council shall be incorporated under the name of the county council of the county, as the case may be, with perpetual succession and a common seal.

The county council under that name may sue or be sued, purchase, take, hold, and dispose of lands and other property for the purposes of and subject to the provisions of this Act.

All deeds granted by a county council shall, in addition to being sealed, be signed by two members of the council and by the county clerk.

Proceedings of county council.

73.—(1.) A county council shall, subject to the provisions of this Act, transact their business (including the hearing of appeals against or applications to be relieved from payment of rates) by means of general meetings of their body or committees as the council may think expedient. But the council shall not delegate any power of raising money by rate or loan: Provided that nothing in this Act shall derogate from the provisions of the Contagious Diseases (Animals) Acts in regard to the appointment on committees under the said Acts of persons not being members of the local authority thereunder.

(2.) There shall be not less than three general meetings of the council annually, that is to say, in the months of May and October, and on such days in these months as the county council may from time to time determine, and on the third Tuesday of December.

Provided that the first meeting of the county council in the year one thousand eight hundred and ninety, for the ordinary discharge of its duties, shall take place on the first Thursday after the appointed day.

The general meeting in the month of May shall be deemed to come in place of the annual statutory meeting of the commissioners of

supply at the passing of this Act held in the months of April or May; and the general meeting in the month of October shall be deemed to come in place of the general or adjourned meeting of the commissioners of supply and the annual general meeting of county road trustees at the passing of this Act held in the months of September or October.

(3.) The quorum of the county council shall, unless the council with the consent of the Secretary for Scotland otherwise determine, be one fourth of the whole number of the council.

(4.) A county council may act notwithstanding any vacancy or vacancies caused by insufficient election or otherwise, provided that a quorum exists.

(5.) The ordinary day of election of the convener of the county shall be the third Tuesday of December in each year. The election of convener shall be the first business transacted on the day of election.

In the absence from any meeting of the convener and vice-convener of the county, such councillor as the councillors present shall choose shall be chairman of the meeting.

The chairman of a meeting shall have a casting vote as well as a deliberative vote; and when on the selection of the chairman of the meeting an equal number of votes is given for two or more persons, the meeting shall determine by lot which of these persons shall be the chairman of the meeting.

20 & 21 Vict. c. 72.

(6.) Where under any Act excepting the Police Act, 1857, relating to any business, powers, duties, or liabilities wholly or partly transferred by or in pursuance of this Act to the county council, provision is made for the appointment of any board, committee, or commissioners consisting wholly or partly of commissioners of supply, the county council shall annually appoint county councillors in lieu of the said commissioners of supply as the case may be; and the boards, committees, or commissioners constituted under the said Acts, as amended by this Act, shall have and discharge the powers and duties and be subject to the debts and liabilities conferred or imposed or resting upon them under the said Acts amended as aforesaid.

(7.) The county council may, subject to the provisions of this Act, make, vary, and revoke such regulations as they think fit with respect to the summoning, notice, time, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business.

(8.) The councillors or members of district committees appointed to represent a burgh or an electoral division consisting of a police burgh or part of a police burgh shall not act or vote in respect of any matters involving expenditure to which such burgh does not contribute or for which the lands and heritages in such burgh or police burgh are not assessed.

Proceedings of committees.

74.—(1.) A county council appointing under this Act any committee may from time to time, subject to the provisions of this Act, make, vary, and revoke regulations respecting the quorum and proceedings of such committee; but, subject to such regulations, the proceedings and quorum and the place of meeting, whether

within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a casting vote as well as a deliberative vote.

(2.) Every committee shall report its proceedings to the county council by whom it was appointed.

Payments out of county fund and appointment of finance committee.

75.—(1.) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of a decree of a competent court, or on the requisition of any district committee or standing joint committee, or for the periodical payment of salaries and wages, be made in pursuance of an order of the council signed by three members of the finance committee and countersigned by the county clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys shall be signed by two members of the finance committee and be countersigned by the county clerk or by a deputy approved by the council.

(2.) Any such order may be stayed by note of suspension in the Bill Chamber, and may be wholly or partly disallowed or confirmed with or without expenses.

(3.) Every county council shall annually appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not, save in the cases mentioned in the first sub-section of this section, be made by a county council except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and any expenses, debt, or liability exceeding fifty pounds shall not, save as aforesaid, be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4.) The notice of the meeting of the county council at which any resolution for the payment of a sum exceeding fifty pounds out of the county fund, or any resolution for incurring any expenses, debt, or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, expenses, debt, or liability, and the purpose for which they are to be paid or incurred.

Joint Committees.

Appointment of joint committees.

76.—(1.) Any county councils or county councils and town councils may from time to time join in appointing out of their respective bodies a joint committee for any purpose of this Act in respect of which they are jointly interested.

(2.) Any council taking part in the appointment of any joint committee may from time to time delegate to the committee any power which such council might exercise for the purpose for which the committee is appointed.

(3.) Provided that a council shall not be entitled to delegate to a joint committee any power of raising money by rate or loan.

(4.) Subject to the powers of delegation, any such joint committee shall, in respect of any matter delegated to it, have the

same power in all respects as the councils appointing it, or any of them, as the case may be.

(5.) The members of a joint committee shall be appointed at such times and in such manner as may be from time to time fixed by the council who appointed them, and shall hold office for such time as may be fixed by such council.

(6.) The number of members of a joint committee to be appointed by each council shall be fixed by arrangement.

(7.) The joint committee shall from time to time elect a chairman who shall hold office for such period as shall be fixed at the time of his election, and in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting vote as well as a deliberative vote.

(8.) The costs of a joint committee shall be defrayed by the councils by whom any of its members were appointed in the proportion agreed to by them. The proportion of the costs falling to be defrayed by any county council or town council shall be paid out of the county fund or burgh fund, as the case may be, and shall be provided for by a rate to be imposed and levied as nearly as may be in the same manner and subject to the same provisions as if the costs had been incurred by the county council or by a district committee, or by the town council, as the case may be.

(9.) The councils appointing a joint committee may jointly from time to time make, vary, and revoke regulations respecting the quorum and proceedings and place of meeting of the joint committee.

(10.) For the purposes of this section town council shall include police commissioners of a burgh or police burgh.

Districts and District Committees.

Division of county into districts for roads and public health purposes.

77. In order to give effect to the provision of this Act that (except as herein-after provided) every county shall be divided into districts for the purposes of the management and maintenance of highways, and the administration of the laws relating to public health, there shall be enacted the following provisions:—

(1.) The county council shall at their first meeting in the month of May next after the passing of this Act, and thereafter from time to time, divide the county into districts for the purposes in this section mentioned in such manner that each district shall comprise a group of electoral divisions, and that each parish, so far as within the county, shall be wholly included in one district. Provided always that such division into districts shall not be made if it shall appear to the county council unnecessary or inexpedient in the case of a county containing fewer than six parishes, or which has not been divided into districts for the purposes of the management and maintenance of highways therein.

(2.) Each district shall have the same contents and boundaries for all the purposes in this section mentioned.

Constitution of district committee.

78. Whenever, for the purposes of this Act, a county is, as herein-before provided, divided into districts, the following pro-

visions shall have effect with respect to the constitution of the district committee for each district:

(1.) The district committee shall consist of the county councillors for the electoral divisions comprised in the district, together with one representative from the parochial board of each parish comprised or partly comprised therein, and one representative of each burgh within the meaning of the Roads and Bridges (Scotland) Act, 1878, where the management and maintenance of the highways within the burgh have, under the provisions of the last-mentioned Act, been transferred to the county. Provided that in the case of parishes partly landward and partly burghal the representative from every such parish shall be a ratepayer within the meaning of this Act.

(2.) The representatives of the parochial boards and burghs as aforesaid shall be appointed from time to time by their respective boards and town councils, and their appointment shall be forthwith intimated in writing to the county clerk, and after his appointment as herein-after provided, to the clerk of the district committee. Each such representative shall hold office until the appointment of his successor has been duly intimated.

(3.) Provided that where a county is not divided into districts the powers and duties and liabilities of a district committee under this Act shall devolve upon the county council, and for the purposes of the management and maintenance of highways, and the administration of the laws relating to public health, the following persons shall be deemed to be county councillors; that is to say, one representative from a parochial board of each parish comprised or partly comprised within the county, and one representative of each burgh within the meaning of the Roads and Bridges (Scotland) Act, 1878, where the management and maintenance of the highways within the burgh have, under the provisions of the last-mentioned Act, been transferred to the county; and the provisions of the immediately preceding sub-section shall apply to those representatives.

Powers and designation of district committee.

79. Each district committee shall have and may exercise all the powers and duties and be subject to all the liabilities transferred to or conferred upon it, as the case may be, by or in pursuance of but subject to the provisions of this Act, and shall be designated according to the district within which it acts, and may sue and be sued under that designation.

Proceedings of district committee.

80. The first meeting of a district committee shall take place as soon as may be after the thirty-first day of May next after the passing of this Act, and shall be called by the county clerk by circular addressed to each member whose appointment has been intimated to him. The committee may act notwithstanding any vacancy upon it. For the purpose of the regulation of its quorum and proceedings a district committee shall be deemed to be a committee of the county council.

Provided that a district committee may from time to time elect a chairman who shall hold office for such period as shall be fixed

at his election, and in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting vote as well as a deliberative vote. A district committee shall have power to appoint and remove a district clerk and district treasurer, if need be, and, subject to the approval of the county council, to fix the salary which shall be payable to them.

Provision for special drainage or water supply districts.

81. With respect to special drainage districts or special water supply districts the following provisions shall have effect :—

(1.) Where a special drainage district or special water supply district has been formed in any parish under the Public Health Acts, the district committee may, subject to regulations to be from time to time made with the consent of the county council, appoint a sub-committee for the management and maintenance of the drainage or water supply works, and such sub-committee shall in part consist of persons, whether members of the district committee or not, who are resident within the special drainage district or special water supply district ;

(2.) Where a special drainage district or special water supply district is partly within a county and partly within a burgh or police burgh, the sub-committee appointed under the immediately preceding sub-section and such number of the town council or police commissioners (as the case may be) of such burgh or police burgh as failing agreement the Secretary for Scotland may determine having regard to all the circumstances of the case, shall be charged with the management and maintenance of the drainage or water supply works within such special district, and the determination of the Secretary for Scotland may provide for the regulation of the proceedings and for the allocation and payment of the expenses incurred under this sub-section ;

(3.) Where a special drainage district or special water supply district is wholly within a police burgh formed after the passing of this Act, the police commissioners of such police burgh shall become the local authority under the Public Health Acts for such special district, and the assessments in respect of the drainage and water supply shall be levied in the same manner as they were before such district was formed into a police burgh.

Payments to and by district committee.

82. All sums passed by the county council to the account of any district committee shall be paid into an account to be kept in name of the district committee with an incorporated or joint stock bank (including any branch thereof) for that purpose appointed by the county council ; and all cheques on such account shall be signed by two members of the district committee nominated for that purpose by the committee, and be countersigned by the district clerk.

Officers.

Clerk of the county council.

83.—(1.) The clerk of supply in office at and after the passing of this Act shall, subject to the provisions of this Act, discharge all the duties of county clerk until the appointed day, and upon such

day the clerk of supply in office shall become the clerk of the county council (in this Act referred to as the county clerk or clerk of the county council), and shall continue in office for twelve months after the first meeting of the council, unless he shall sooner vacate office by death, resignation, or disqualification. At the expiration of such period he shall continue in office during the pleasure of the county council.

(2.) In addition to any other rights and duties conferred or imposed on him by the council, the county clerk shall, after the appointed day and subject to the provisions of this Act, have and discharge the rights and duties now belonging to or devolving on the clerk of supply and county road clerk, and all things authorised or required to be done by or to the clerk of supply and county road clerk may be done by or to the county clerk.

Provided that the county council may continue in office the county road clerk in office at the appointed day, and such county road clerk shall act as county clerk in so far as regards the administration of the laws relating to highways, and after he ceases to hold office his duties as aforesaid shall devolve on the county clerk.

Provided also that the county council may appoint any assessor (not being an officer of Inland Revenue) in office at the appointed day to be collector of the consolidated rates.

(3.) Subject to the provisions of sub-section (1) of this section, the county council may from time to time appoint a county clerk, treasurer, collector or collectors, assessors, surveyors, and such other inspectors, officers, and servants as may be necessary and proper for the efficient execution of the duties of the county council, and may make regulations with respect to the duties of such county clerk, treasurer, collectors, assessors, surveyors, inspectors, officers, and servants. If it is deemed expedient one person may be appointed to fill two or more offices, and two or more persons may be appointed jointly to fill one office.

Provided that where the assessor is an officer of Inland Revenue any regulations made by the county council with respect to his duties shall be subject to the approval of the Treasury.

(4.) After the passing of this Act it shall not be lawful to appoint an officer of Inland Revenue to be assessor without the previously obtained consent of the Treasury, and an appointment made without such consent shall have no force or effect: Provided that such consent shall not be necessary in the case of the reappointment as assessor for any county or burgh of any officer of Inland Revenue, who is at the passing of this Act assessor for such county or burgh.

(5.) It shall not be lawful to appoint a county councillor or the partner in business of a county councillor to any office or place of profit under the county council or any committee in this Act mentioned; and the disqualification shall apply to any person and his partners in business during six months next after such person has ceased to be a county councillor.

(6.) The council shall pay to the county clerk, county road clerk, district clerk, treasurer, collectors, assessors, surveyors, inspectors, officers, and servants continued appointed or employed by them or by any district committee, such reasonable salaries, wages, or allow-

ances as they think proper, and every such county clerk, county road clerk, district clerk, treasurer, collector, assessor, surveyor, inspector, officer, and servant shall, subject to the provisions of this Act, hold office during the pleasure of the council or district committee, as the case may be, by which he was appointed.

Provided that where the assessor is an officer of Inland Revenue the amount of the salary, wages, or allowances awarded to him shall be subject to the approval of the Treasury.

(7.) The council may at any time discontinue the appointment of any inspector, officer, or servant appearing to them not necessary to be reappointed; and may from time to time make such arrangements as they think necessary as to the offices required to be created or abolished.

Duties of clerks of the peace.

84. The clerk of the peace in office at the passing of this Act shall, so long as he holds office, but without any additional remuneration therefor, act as clerk of the county council in so far as regards any business by this Act transferred from the justices of the peace assembled as herein-before mentioned to and vested in the county council, and after he ceases to hold office his duties as aforesaid shall devolve on the county clerk, and thereafter all things authorised or required to be done by or to the clerk of the peace in regard to such business may be done by or to the county clerk. When so acting the clerk of the peace shall act under the direction of the county council.

As to School Fees.

Payment of school fees from certain endowments.

85. Wherever, under any scheme, provisional order, deed, or instrument, funds are allocated for the payment of school fees in any State-aided school in any standard of the Scotch Education Code, for which no school fees may hereafter be exacted, such funds shall, after the passing of this Act, be applied subject to regulations to be from time to time made by the governing body under such scheme, provisional order, deed, or instrument, with the approval of the Scotch Education Department.

Provided that nothing in this Act shall deprive any scholar of any advantage under any scheme, Provisional Order, deed, or instrument other than the payment of school fees.

Provided also, that nothing in this Act shall prejudice or affect any application to the Court of Session under any scheme or Provisional Order, or under the twentieth section of the Educational Endowments (Scotland) Act, 1882.

45 & 46 Vict. c. 59.

Compensation to certain teachers for loss of school fees.
35 & 36 Vict. c. 62.

86. If under the provisions of this Act, or of anything made or done in pursuance thereof, any teacher appointed previously to the passing of the Education (Scotland) Act, 1872, shall be prejudiced in any right to school fees possessed by him at the passing of this Act, he shall, after the passing of this Act, be entitled to receive from the school board compensation in respect of any loss so sustained by him, and such compensation, failing agreement, may be determined finally by the sheriff, and shall be payable out of the school fund.

Amendment as to fixing school fees.

87. Section fifty-three of the Education (Scotland) Act, 1872, shall, from and after the passing of this Act, be read and have effect as if after the words "public schools" therein there were inserted the words "and subject to the provisions contained in the "Scotch Education Code, or in any minute of the Scotch Education "department submitted to Parliament."

Payment of school fees by parochial boards abolished.

88. After the passing of this Act there shall be repealed—

(1.) Section sixty-nine of the Education (Scotland) Act, 1872, after the words "years of age"; and

(2.) Section twenty-two of the Education (Scotland) Act, 1878.

As to Expenses of Justices, &c.

Expenses of justices, &c. to be payable out of county fund.

89. All expenses lawfully incurred by the quarter sessions or the justices out of sessions or the commissioners of supply of a county shall, so far as they are at the passing of this Act payable out of the county general assessment, continue to be so payable, and the county council of the county shall make provision for such payment accordingly.

As to Land and Buildings

Transfer of land, &c.

90. All land and buildings, roads and bridges, drainage and water supply works, and all other heritable subjects with their pertinents now vested in the commissioners of supply or county road trustees of any county or in any local authority under the Public Health Acts, in so far as their powers are by this Act transferred to the county council, or in any person on their behalf, and all interest in the same for any of the uses and purposes of the county or any division or district of the county or of any parish therein shall, on the appointed day, and without any new instrument or conveyance, but subject to the provisions of this Act be transferred to and vested in that council for the same interest and purposes, and subject to the same conditions and restrictions for and subject to which the same are held by such commissioners of supply, county road trustees, local authority, or person on their behalf.

Provisional Orders.

Regulations as to provisional orders.

91. With respect to provisional orders authorised to be made by the Secretary for Scotland under this Act the following enactments shall be made:—

(1.) The Secretary for Scotland shall not make any provisional order unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates, and in the Edinburgh Gazette:

(2.) Before making any such provisional order the Secretary for Scotland shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable shall cause to be made a local inquiry, of which public notice

shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Secretary for Scotland may submit to Parliament for confirmation any provisional order made by him in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, in so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(5.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of such order have been complied with:

(6.) Every Act confirming a provisional order made by the Secretary for Scotland under this Act shall be a Public General Act.

Time.

Computation of time.

92. Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a Sunday, Christmas Day, or Good Friday, or a public holiday, or a day appointed for public fast, humiliation, or thanksgiving, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified; but in reckoning clear days for the purposes of this Act, the days in this section specified shall not be excluded.

Power of Secretary for Scotland.

Local inquiry, &c.

93.—(1.) Where the Secretary for Scotland is authorised or required by this Act to make any inquiry, to make or confirm any order or byelaw, or to give any consent, sanction, or approval to any matter, to determine any difference, or make any adjustment, or otherwise to act under this Act, he may or shall, as the case may be, cause a local inquiry to be held by any person nominated by a writing under his hand, and such person shall be entitled to summon witnesses and examine them on oath, and call for the production of books, documents, and accounts.

(2.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Secretary for Scotland.

(3.) Where the Secretary for Scotland causes any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the remuneration of any person appointed to hold the same, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Secretary for Scotland

may direct, and the said Secretary may certify the amount of the costs incurred, and any sum so certified shall be a debt to the Crown from the council or authority directed to pay the same.

Legal Proceedings.

Recovery and application of penalties.

94. Any offence against the provisions of this Act or of any byelaw made thereunder may be prosecuted, and any fine or penalty, together with the expenses of process, may be recovered, at the instance of the procurator fiscal of court or of the county clerk, before the sheriff or any two justices of the peace under the provisions of the Summary Jurisdiction Acts.

Every prosecution shall be begun within six months after the offence was committed or the fine or penalty incurred.

Every fine or penalty shall be paid into the county fund and applied as the county council shall determine.

Every person found liable in any fine or penalty recoverable summarily under this Act shall, failing payment thereof, with expenses, immediately or within a specified time, as the case may be, be liable to be imprisoned in terms of sub-section (*b.*) of section six of the Summary Jurisdiction (Scotland) Act, 1881. 44 & 45 Vict. c. 33.

Savings.

Saving for votes at any parliamentary elections.

95. Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary county or burgh or division, or the right of any person to be registered as a voter or to vote at any parliamentary election, or the limits within which the valuation roll for a county or burgh is made up as at the passing of this Act, or the right of assessing for the cost of making up such valuation roll or the register of parliamentary voters for any county or division or burgh.

Saving for teinds and ecclesiastical arrangements.

96. Nothing in this Act, nor anything done in pursuance of this Act, shall alter any right to or affecting teinds or any ecclesiastical arrangements or jurisdictions.

Saving for divisions and consolidation arrangements under 20 & 21 Vict. c. 72.

97. Nothing in this Act contained shall be held to abrogate or repeal the division of any county into divisions or districts made under and by virtue of the powers contained in sections fifty-eight, fifty-nine, and sixty of the Police Act, 1857, or the consolidations of county and burgh police establishments which have been made under and by virtue of the powers contained in sections sixty-one and sixty-three of the same Act, or the power of making such divisions or consolidations after the passing of this Act, or the mode of assessing therefor.

Saving as to extension of burghs.

98. Nothing contained in this Act or done in pursuance thereof shall prejudice or affect any application to Parliament for the extension of the boundaries of any burgh or the grounds of opposition to such an application.

Saving as to formation of police burghs. 25 & 26 Vict. c. 101.

99. Nothing in this Act shall interfere with the formation of police burghs under the provisions of the General Police and Improvement (Scotland) Act, 1862; and on the formation of any

police burgh the commissioners of police thereof shall become the local authority therein under the Public Health Acts, subject to adjustment by the sheriff in regard to the property and debts and liabilities affected by such change: Provided always, that unless and until the determination as to the number of county councillors and of electoral divisions is altered under the provisions of this Act, any police burgh formed after the passing of this Act shall in all other respects remain a part of the parish in which it is situated, and shall not be entitled to be an electoral division of the county.

Saving for existing securities and discharge of debts.

100. Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or property by this Act transferred to a county council; and all such securities, as well as all unsecured debts, liabilities, and obligations lawfully incurred by any local authority, body, or person, in the exercise of any powers or in relation to any property transferred from them to the county council under this Act, shall be discharged, paid, and satisfied by the council.

Saving for pending actions, &c.

101.—(1.) If at the passing of this Act any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority, in relation to any powers, duties, liabilities, or property by this Act transferred to the county council, the same shall not be in anywise prejudicially affected by reason of the passing of this Act, but may be continued, prosecuted, and enforced by or against the county council as successors of the said authority, in like manner as if this Act had not been passed.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer in this section mentioned, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a county council, shall be of as full force and effect against or in favour of the council, and may be enforced as fully and effectually as if, instead of the authority, the said council had been a party thereto.

Saving as to land tax, &c.

102. Nothing in this Act, nor anything done in pursuance of this Act, shall alter the quota of land tax now payable by any county or burgh, or transfer to a county council any powers as commissioners of the land tax, except for the purposes of any local and personal Act of Parliament, or shall be held to derogate from the provisions of sections two and four of an Act passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, chapter seventy-five, intituled "An Act to appoint com- "missioners for carrying into execution several Acts granting an "aid to his Majesty by a land tax to be raised in Great Britain, "and continuing to his Majesty certain duties on personal estates, "offices, and pensions in England." Provided that any question as to the division and allocation of the old valued rent of lands shall hereafter be determined by the sheriff whose determination (which shall be final) shall be recorded in the sheriff court books, and shall form the rule of payment subsequent to its date.

Definitions.

103. All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purpose of this section "print" includes any mechanical mode of reproduction. Definition of "written."

104. Wherever in this Act reference is made to the population of burghs or police burghs, such reference shall be deemed to be made to the population according to the Census of 1881, unless it shall be established to the satisfaction of the Secretary for Scotland within ten days after the passing of this Act that in the case of any burgh or police burgh it has a larger population as at the passing of this Act, and in any such case such reference shall be taken to be to the larger population so established. Definition of "population."

105. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say— Interpretation of certain terms.

The expression "county" means a county exclusive of any burgh wholly or partly situate therein, and does not include a county of a city.

The expression "burgh" means any royal or parliamentary burgh.

The expression "police burgh" means a populous place, the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or under the provisions of any local Act.

The expression "parish" means a parish *quoad civilia* for which a separate parochial board is or can be appointed, and where part of a parish is situate within and part of it without any county or other area, includes each such part.

The expression "Highlands and Islands of Scotland" shall mean the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney, and Zetland.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Bank of England" means the Governor and Company of the Bank of England.

The expression "sheriff" means the sheriff of the county, and includes sheriff substitute.

The expression "assessor" means the assessor acting under the Registration Acts, or the Valuation Acts, as the case may be.

The expression "Public Health Acts" means the Public Health (Scotland) Act, 1867, and any Acts amending the same, and shall include section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886. 30 & 31 Vict. c. 101. 41 & 42 Vict. c. 74. 49 & 50 Vict. c. 32.

The expression "Registration Acts" means the Acts regulating the registration of parliamentary electors.

The expression "the Valuation Acts" means the Act of the seventeenth and eighteenth Victoria, chapter ninety-one, and any Acts amending the same.

The expression "Contagious Diseases (Animals) Acts" means the Contagious Diseases (Animals) Act, 1878, and any Acts amending the same.

41 & 42 Vict. c. 74.

The expression "Summary Jurisdiction Acts" means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same.

27 & 28 Vict. c. 53. 44 & 45 Vict. c. 33.

The expression "Police Act, 1857," means the Act of the twentieth and twenty-first Victoria, chapter seventy-two.

The expression "existing" means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day.

The expression "person" includes any body of persons whether corporate or unincorporate.

The expression "ratepayer" means any owner or occupier liable in payment of any rate imposed under or in pursuance of this Act.

The expression "owner" has the same meaning as the expression "proprietor" has in the Valuation Acts, and shall not include a crofter within the meaning of the Crofters' Holdings (Scotland) Act, 1886.

49 & 50 Vict. c. 29.

The expression "property" includes all property, heritable and movable, and all interests therein.

The expression "powers" includes rights, jurisdictions, capacities, privileges, and immunities.

The expression "duties" includes responsibilities and obligations.

The expression "liabilities" includes liability to any proceeding for enforcing any duty, and all debts and liabilities to which any authority are or would be, but for the passing of this Act, liable or subject, whether accrued due at the date of the transfer by this Act effected or subsequently accruing, and including any obligation to carry or apply any money to any sinking fund, or to any other particular purpose.

The expression "costs" includes expenses.

The expression "rate" includes assessment.

The expression "pension" includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer.

PART IX.

TRANSITORY PROVISIONS.

General Provisions as to First Elections.

Preliminary action of county councillors as provisional council.

106.—(1.) The members of a county council first elected under this Act shall not enter on their ordinary duties or become the county council until the fifteenth day of May next after their election, or such other day as on the application of the provisional council the Secretary for Scotland may appoint.

(2.) Such members shall, on the second Thursday next after the day fixed for the first election, and thenceforward from time to time until the day above mentioned in this section, meet and act as a provisional council for arranging to bring this Act into operation.

(3.) The provisional councillors shall at their first meeting elect one of their number to be chairman of that meeting and of the second meeting, and shall at their second meeting, or some adjournment thereof, proceed to elect as their chairman a person qualified to be convener of the county, and may from time to time fill up any vacancy in the office of such chairman, and the person elected chairman shall be chairman of the provisional council, and also on and after the appointed day convener of the county, and the term of office of such convener shall end on the next ordinary day of election of convener.

(4.) This enactment shall extend to the vice-chairman.

First proceedings of provisional council.

107.—(1.) The provisional council after disposing of the preliminary business shall proceed to provide for bringing the various provisions of this Act into full operation on the appointed day or days, and to make the necessary arrangements with the several authorities whose powers and duties are transferred to them, and with reference to the distribution of duties among the different officers, and to provide for all matters which appear necessary or proper for enabling the county council as constituted under this Act to discharge their duties, and for giving full effect to this Act.

(2.) The provisions of this Act with respect to the proceedings of the county council, shall apply to the proceedings of the provisional council, and any act of the provisional council may be signified under the hand of the chairman and any two members of the council present at the meeting, and countersigned by the officer acting as their clerk.

(3.) The provisional council of a county shall be entitled to use the county buildings of that county, so that they do not interfere with the holding of any court or any meeting of commissioners of supply or county road trustees, and the clerk of supply shall act as the officer of such provisional council, and farther the provisional council may from time to time hire such buildings and appoint such interim officers as appear to them necessary for the performance of their duties, and the costs incurred in the hiring of such buildings and payment of such officers or otherwise in the performance of their duties shall be defrayed as costs properly incurred by the county council. And until such time as the said costs can be paid out of the county fund established under this Act they may be provided for on the security of the said fund, without any other authority or consent than a resolution of the provisional council, by advance from any incorporated or joint stock bank or person willing to make the same.

(4.) There shall be paid out of the general purposes rate to the clerk of the county such reasonable remuneration as the county council may award for extra services rendered by him in bringing this Act into operation, and in acting as such clerk, until his salary for acting as such clerk is fixed in manner provided by this Act.

(5.) The quarter sessions, commissioners of supply, county road trustees, and other authorities shall, by the appointment of com-

mittees, or the holding of sessions and meetings, and otherwise, make such provisions as are necessary or proper for making arrangements with the provisional council for carrying this Act into effect; and the quarter sessions, commissioners of supply, county road trustees, and other authorities aforesaid may, after the appointed day, meet in like manner as if this Act had not passed, for the purpose of receiving reports from the committees and county officers for the period subsequent to the last quarter sessions or meeting of commissioners of supply or county road trustees and other authorities, and prior to the appointed day, and for otherwise concluding and winding up their business.

Power of Secretary for Scotland to remedy defects.

108.—(1.) If from any cause there is no returning officer able to act in any county at the first election of a county council, or no register of county electors properly made up, or no proper election takes place, or an election of an insufficient number of persons takes place, or any difficulty arises as to holding the first election of county councillors, or as to the first meeting of a provisional council, the Secretary for Scotland may by order appoint a returning officer or other officer, and do any matter or thing which appears to him necessary for the proper holding of the first election and for the proper holding of the first meeting of the provisional council, and may, if it appears to him necessary, direct a new election to be held, and fix the date for such new election, or may authorise the provisional council to meet and transact business notwithstanding any vacancies in their number. Any such order may modify the provisions of this Act and the enactments applied by this Act so far as may appear to the Secretary for Scotland necessary for the proper holding of the first election and first meeting of the provisional council.

(2.) The Secretary for Scotland, on the application of a county council or provisional council, may within six months after the day fixed for the first election of councillors of such council, from time to time, make such orders as appear to him to be necessary for bringing this Act into full operation as respects the council so applying, and such orders may modify any enactment in this or any other Act, whether general or local and personal, so far as may appear to the Secretary for Scotland necessary for the said purpose.

(3.) The Secretary for Scotland may, if he shall think fit, cause such steps to be taken as he considers necessary for having the registers of county electors made up.

Special provision as to certain ex-officio councillors at the first election.

109. The following persons shall, in addition to the councillors elected as herein-before mentioned, be councillors of the county council in the same manner as if they had been elected to that office at the first election in pursuance of this Act, that is to say, the persons who are, at the date of such first election, lieutenant of the county, convener of the county, chairman of the county road trustees, and chairman of the local authority of the county under the Contagious Diseases (Animals) Act, 1878, but where there is no permanent chairman of road trustees in any county one person

shall be elected by the commissioners of supply an ex officio member in place of such permanent chairman.

(1.) If more than one of the offices in this section mentioned are held by the same person, the commissioners of supply of the county may nominate, at any meeting held before the appointed day, one, two, or three of their own number, as the case may be, who shall be entitled to act as county councillors under this section.

(2.) A person entitled to act as a county councillor under this section shall be a member of the district committee of the district within which the premises in respect of which he is registered as a county elector are situated.

(3.) The persons entitled to act as county councillors under this section shall cease to hold office at the first retirement of councillors under this Act.

Appointed Day.

Appointed day

110.—(1.) Subject as in this Act mentioned, the appointed day for the purposes of this Act shall in each county be the fifteenth day of May next after the passing of this Act, or such other day, earlier or later, as the Secretary for Scotland (but after the election of county councillors for such county on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties.

(2.) Any enactment of this Act authorising anything to be done by the Commissioners of Inland Revenue or the Secretary for Scotland, or relating to the registration of county electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act; but, save as aforesaid, and save so far as there may be anything in this Act inconsistent herewith, any enactment of this Act shall come into operation on the appointed day.

Postponement of Registration in 1889.

Postponement of registration in 1889.

111. During the year one thousand eight hundred and eighty-nine, the Registration Acts shall be read and construed as regards every county with the substitution of "October" for "August" of "November" for "September," and of "December" for "October."

Provided that in any burgh in which the preparation of the municipal register is dependent on the preparation of the parliamentary register of the county within which it is situated for parliamentary purposes, the municipal register in force at the passing of this Act shall remain in force until the thirty-first day of October one thousand eight hundred and ninety, and no municipal register shall be prepared and made up for such burgh during the year one thousand eight hundred and eighty-nine. The

municipal election in such burgh shall take place on the first Tuesday of November one thousand eight hundred and eighty-nine as if the municipal register continued in force by this section had been prepared and made up in the usual manner.

Transitional Proceedings.

Current rates.

112.—(1.) Every rate and requisition for sums of money made before the appointed day may be levied and collected, and proceedings for the enforcement thereof taken in like manner as nearly as may be as if this Act had not passed.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited and other consequential proceedings had in like manner as nearly as may be as if this Act had not passed, and every officer whose duty it is to make up any accounts, or to account for any portion of the receipts and expenditure in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts as before the appointed day.

Transitory provisions as to district lunacy boards, &c.

113. The representatives of any county on a district lunacy board, or a visiting committee of a prison, and any visitors of a public, private, or district lunatic asylum appointed by the justices of the peace holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council have elected representatives and visitors for the like purposes, and no longer; and the representatives and visitors elected by the county council shall come into office at the expiration of the said week.

Transitory provisions as to police committee of county.

114. The members of the police committee of a county holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and the standing joint committee appointed in pursuance of this Act shall thereupon come into office as the police committee.

Transitory provisions as to Contagious Diseases (Animals) Acts.

115. The members of the executive committee of the local authority under the Contagious Diseases (Animals) Acts, and of any other committee of such local authority holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council shall have appointed an executive committee under the said Acts, and no longer; and thereupon the executive committee appointed by the county council shall come into office and shall possess all the powers and discharge all the duties previously belonging to any other committee under the said Acts, unless and until any such other committee is appointed by the county council.

Transitory provisions as to county road board and district road committees.

116. The members of a county road board and of any district road committee holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and thereupon the county road board and district road committees appointed or constituted under this Act shall come into office.

Transitory provisions as to public health local authorities.

117. The members of a local authority of a parish under the Public Health Acts holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act and no longer; and thereafter the district committee constituted under this Act shall come into office.

Existing Officers.

Existing officers and servants.

118.—(1.) All persons who at the appointed day hold office as treasurer, collector, assessor, inspector, or surveyor, or are officers of the commissioners of supply, county road trustees, local authority under any Act of Parliament, or quarter sessions or justices of the county, or are servants thereof and perform any duties in respect of the business transferred by or in pursuance of this Act to the county council, and also, but subject to the provisions of this Act, the clerk of supply and the county road clerk shall after the appointed day become the officers and servants of the county council.

(2.) Every person who, at the appointed day, is the chief or other constable of the police force of any county, or is an officer or servant employed in connexion with that force, shall, after the said day, be chief or other constable of the police force or an officer or servant of the same county under the provisions of this Act.

(3.) Where any constable at the appointed day belongs to the police force of any burgh or police burgh which will by virtue of this Act cease to maintain a separate police force, such constable shall, after the said day, become a constable of the county police force, and the provisions of this Act with respect to officers of any authority who become officers of the county council shall apply to such constable.

As to officers transferred to county councils.

119.—(1.) The officers and servants of any authority who held office at the passing of this Act, and who, by virtue of this Act, become officers and servants of a county council (in this Act referred to as existing officers), shall hold their offices by the same tenure, and upon the same terms and conditions as if this Act had not passed, and while performing the same duties shall receive not less salaries or remuneration, and be entitled to not less pensions (if any) than they would have received or been entitled to if this Act had not passed, and when any such officer can only be removed with the consent of some specified authority, such consent shall be part of the tenure of his office.

(2.) The county council may distribute the business to be performed by existing officers in such manner as the council may think just, and every existing officer shall perform such duties in relation to that business as may be directed by the council.

(3.) The county council may abolish the office of any existing officer whose office they may deem unnecessary, but such officer shall be entitled to similar compensation under this Act as he would have been entitled to under his former engagement.

(4.) The provisions of this section shall, subject to the provisions of the Police Act, 1857, and of this Act, apply to the chief and other constables of any police force, and to any officers employed in connexion with such force.

20 & 21 Vict. c. 72.

Compensation to existing officers.

120.—(1.) Every existing officer declared by this Act to be entitled to compensation and every other existing officer, whether before mentioned in this Act or not, who, by virtue of this Act or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office, or by diminution or loss of salary or fees, shall be entitled to have compensation paid to him for such pecuniary loss by the county council to whom the powers of the authority whose officer he was are transferred under this Act, regard being had to the conditions on which the appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act, or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand, setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief: Provided that it shall not be competent for any person to make any claim for compensation after the expiration of two years after the passing of this Act.

5 & 6 Will. 4. c. 62.

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount, ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which the convener or vice convener may administer, all questions asked by any member of the council touching the matter set forth in the claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or in case of appeal by the Treasury, and shall be a debt due to him from the county council, and may be enforced accordingly, in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund as a payment for general county purposes.

(9.) For the purposes of this section county road clerks and district road clerks shall be deemed to be existing officers.

121. All enactments inconsistent with this Act are hereby repealed; and in the case of every repeal under the provisions of this Act the following provisions shall have effect; that is to say, Repeal of Acts.

(1.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act:

(2.) The repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed; or

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d.*) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, investigation, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

SCHEDULE.

Section 20.

LOCAL TAXATION LICENCES.

Licences for the sale of intoxicating liquor for consumption on the premises:

- Retailers of spirits (publicans).
- Retailers of spirits (occasional licences).
- Retailers of beer and cider.
- Retailers of beer and wine.
- Retailers of wine.
- Retailers of sweets.

Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises:

- Retailers of spirits.
- Retailers of beer and cider.
- Retailers of wine.
- Retailers of sweets.
- Retailers of table beer.

Licences to deal in game.

Licences for—

- Beer dealers.
- Spirit dealers.
- Sweets dealers.
- Wine dealers.
- Dogs.
- Killing game.
- Guns.
- Appraisers.
- Auctioneers.
- Tobacco dealers.
- Carriages.
- Armorial bearings.
- Male servants.
- Hawkers.
- House agents.
- Pawnbrokers.
- Plate dealers.

CHAPTER 51.

An Act to amend the General Police and Improvement (Scotland) Act, 1862. [26th August 1889.]

25 & 26 Vict. c. 101.

WHEREAS it is expedient to amend the General Police and Improvement (Scotland) Act, 1862:

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:

Statutory provisions as to fixing of boundaries to be deemed to be complied with.

1. All statutory requirements and provisions applicable to the fixing of the boundaries of any burgh or place under the said recited Act, or the Act first recited therein, or to the adoption of either of the said Acts, or to the election of Commissioners for any such burgh, shall be deemed and taken to have been duly complied with, and shall have effect accordingly, unless the same shall have been or shall be challenged in a competent court of law within three years from the date of the alleged non-compliance with the said statutory requirements and provisions: Provided always, that nothing herein contained shall prejudice or affect the pecuniary rights, liabilities, or interests of any person which shall have been finally decided by or are under the consideration of any court of law at the time of the passing hereof.

Short title.

2. This Act may be cited as the General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1889.