CHAPTER 58.

An Act to establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes.

[25th August 1894.]

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:

Short title. 52 & 53 Vict. c. 50.

1. This Act may be cited as the Local Government (Scotland) Act, 1894, and this Act, and the Local Government (Scotland) Act, 1889, (herein-after called the principal Act,) shall, except as otherwise provided by this Act, be construed as one Act, and may be cited together as the Local Government (Scotland) Acts.

Extent of Act.

2. This Act shall extend to Scotland only.

PART I.

CONSTITUTION OF A LOCAL GOVERNMENT BOARD FOR SCOTLAND.

Establishment of Local Government Board for Scotland. 8 & 9 Vict. c. 83.

3. A Board shall be established, to be called the Local Government Board for Scotland (in this Act referred to as the Board), and from and after the establishment of such Board, the Board of Supervision, established by the Poor Law (Scotland) Act, 1845, shall cease to exist, and all the powers and duties vested in or imposed on the Board of Supervision by any Act of Parliament in force at the commencement of this Act, shall be vested in, transferred to, and imposed on the Board, and, except as otherwise provided by this Act, shall be exercised and performed by the Board in like manner and subject to the same conditions, liabilities, and incidents respectively, as such powers and duties might before the commencement of this Act have been exercised and performed by the Board of Supervision, or as near thereto as circumstances admit.

Constitution of Board. 49 & 50 Vict. c. 48.

4.—(1.) The Board shall consist of a President, being the Secretary for Scotland, the Solicitor-General for Scotland, and the Under Secretary for Scotland, together with three appointed members, of whom one shall also be appointed Vice-President and Chairman of the Board in the absence of the President, the second shall be a member of the Faculty of Advocates of not less than seven years standing, and the third shall be a registered medical practitioner, who is also 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, or has been for a period of not less than five years medical officer of a

county or burgh. Such third appointed member shall not hold any other appointment or engage in private practice or employment.

(2.) The appointed members shall be appointed by Her Majesty, on the recommendation of the Secretary for Scotland, at any time after the passing of this Act, and from time to time as vacancies occur, and shall receive out of moneys provided by Parliament such salaries as the Treasury may assign. They shall hold office during Her Majesty's pleasure.

(3.) The Board shall be deemed to be established from and after the date of the first appointment of a Vice-President under this Act.

Seal, style, acts, orders, and rules of Board.

5.—(1.) The Board shall adopt an official seal, and describe themselves generally by the style and title of the Local Government Board for Scotland, and any act to be done, or deed to be signed, or instrument to be executed, by or on behalf of the Board, may be done or signed or executed in the name of the Board by the President, or by any member of the Board, or by the secretary if such secretary is authorised to do, sign, or execute the same by any general or special order of the Board.

(2.) A rule, order, or regulation made by the Board shall be valid if made under the seal of the Board, and signed by the President or Vice-President or one of the ex officio members of the Board, and countersigned by the secretary; and a copy of such rule, order, or regulation, signed and certified by the secretary of the Board, shall be evidence thereof in any court of law or justice.

(3.) It shall be lawful for the Board from time to time to make rules for conducting the business of the Board, and for exercising the powers and authorities thereof.

Transfer of officers.

6.—(1.) The secretary and all officers, inspectors, clerks, and other persons employed at the passing of this Act in or about the execution of the powers and duties of the Board of Supervision, shall, from and after the establishment of the Board, be attached to and be under the control of the Board, and shall in other respects hold their offices and places upon the same terms and conditions, and have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

(2.) The Board may, by order, distribute the business to be performed under the Board amongst the several officers and persons transferred to the Board by this Act, in such manner as the Board may think expedient.

(3.) The Board may, with a view to the proper performance of the duties imposed upon them by this Act, appoint in writing, such medical officers, inspectors, clerks, and other officers, with such salaries to be paid out of moneys to be provided by Parliament, as the Board may, with the sanction of the Treasury, determine.

(4.) All expenses incurred by the Board in the execution of their duties, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

Construction of Acts and deeds, &c.

7. In the construction and for the purposes of any Act of Parliament, contract, or other deed, passed, entered into, or executed, or of any action or proceeding raised, before the establishment of the Board, the name of the Board shall be deemed to be substituted for the Board of Supervision, and any act or thing which might, if this Act had not passed, have been done by the Board of Supervision, may be done by the Board.

After the establishment of the Board, all property belonging to or vested in, or held in trust for, the Board of Supervision shall pass to, and vest in, and be held in trust for, the Board, subject to all debts and liabilities affecting the same, and shall be held by the Board for the purposes for which it is now held, or would have been held if this Act had not passed.

PART II.

CONSTITUTION AND ELECTION OF PARISH COUNCILS.

Establishment of parish councils.

8. A council, in this Act referred to as a parish council, shall be established in every parish.

Number of parish councillors for each parish.

9.—(1.) The parish council shall consist of a chairman and councillors, and the number of councillors, including the chairman, shall be such (and in the case of a parish partly landward and partly burghal in such proportion for the landward and the burghal parts respectively) as may from time to time, with the approval of the Board, be fixed :—

(*a.*) In the case of landward parishes, not including any part of the area of a police burgh, by the county council;

(*b.*) In the case of burghal parishes, by the town council;

(*c.*) In the case of parishes wholly within a police burgh, by the burgh commissioners; and

(*d.*) In the case of parishes partly landward and partly burghal, or including the area or part of the area of a police burgh or burghs, by the county council and town council or councils or burgh commissioners jointly. In such case, failing agreement, the number shall be such and in such proportion as may be fixed by the Board.

(2.) In fixing the number of parish councillors, and the proportion for the landward and burghal parts respectively in parishes partly landward and partly burghal, regard shall be had to the powers and duties of the parish council under this Act, and to the population, and special wants and circumstances, of the parish, and to the division of the parish into parish wards, if it is so divided.

(3.) The number of parish councillors for any parish shall be not fewer than five nor more than thirty-one.

Electing body.

10.—(1.) Subject to the provisions of this Act, a parish council shall be elected by the following persons, in this Act referred to as the parish electors, namely, the persons registered on the parish

council register; provided that exemption from or failure to make payment of the special rate authorised by this Act, where such rate is due and payable by persons so registered, shall be a disqualification from voting at an election of a parish council, unless such rate is paid during the period of one year subsequent to service of the demand note requiring payment of the same.

It shall be the duty of the clerk of the parish council, one week before the time fixed for the nomination of candidates for any election of parish councillors in the parish, to prepare a list of parish electors who have failed to make payment of the special rate within such period of one year, and to transmit a copy of such list forthwith to the returning officer; and any votes tendered by any elector named in such list shall at any such election be disallowed, unless the elector verifies, prior to the close of the poll, his right to vote by the production of a receipt duly signed and dated within such period.

(2.) Each parish elector may at any poll for the election of a parish council give one vote, and no more, for each of any number of candidates not exceeding the number to be elected.

(3.) A poll for the election of a parish council shall be taken by ballot.

Married women not disqualified.

11. A woman otherwise possessing the qualification for being registered on any county council or municipal register of electors shall not be disqualified by marriage from being registered on a county council, municipal, or parish council register, provided that a husband and wife shall not both be registered in respect of the same property.

Registration of parish electors.

12. With respect to the registration of parish electors, the following provisions shall have effect:—

(1.) A county council register, exclusive of such portions thereof as relate to police burghs, shall be so framed and printed as that, in addition to the other requirements of the law, the county electors may be distinguished therein according to parish wards, if and where a landward parish, or the landward part of a parish partly landward and partly burghal, is divided into parish wards.

(2.) A municipal register shall be so framed and printed as that, in addition to the other requirements of the law, the municipal electors may be distinguished therein—

(*a*) according to parishes, if and where a burgh or police burgh comprises two or more parishes or parts of two or more parishes; and

(*b*) according to parish wards (1) if and where a burghal parish or the burghal part of a parish partly landward and partly burghal is divided into parish wards, and (2) if and where a landward parish or a part of any parish is co-extensive with a police burgh or part thereof and is divided into parish wards.

(3.) Where the boundary of a burgh for municipal purposes extends beyond its boundary as ascertained, fixed, or determined

for police purposes under the provisions contained in any general or local Act of Parliament, the assessor shall, in preparing the municipal register, prefix a distinctive mark to the numbers or names of any municipal electors for the area which is without the police but within the municipal boundary, and the names of any such electors shall not be inserted by the town clerk in the copy of the register provided for by this section, and such electors shall not be entitled to vote as parish electors in respect of their qualification as municipal electors, but may vote as parish electors within a county if duly qualified.

(4.) Nothing in any Act shall prevent a person, if duly qualified, from being registered in more than one parish council register.

(5.) The assessors or other persons charged with the preparation of the county council and municipal registers respectively shall insert in such registers the names of persons duly qualified as parish electors in more than one parish in respect of each of such qualifications, but shall prefix a distinctive mark indicating where such insertion is for the purposes of the parish council register only.

(6.) It shall be lawful to object to the insertion or omission of the distinctive marks 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 registers.

(7.) An elector to whose number or name as entered in such registers the distinctive mark, as in sub-section five of this section mentioned, is prefixed, shall not, in respect of such entry, be deemed to be registered as a parliamentary or county or municipal elector, and shall not be entitled to vote in respect of such entry at a parliamentary or county council or municipal election.

(8.) From time to time, as soon as a county council or municipal register is completed, the county clerk or town clerk, as the case may be, shall furnish to the clerks of the several parish councils of parishes wholly or partly within the county or burgh or police burgh a certified copy of so much of such register as relates to their respective parishes, and such copy or copies, so far as relating to a parish, shall, subject to the provisions of section ten of this Act, constitute the parish council register for the parish.

Parish wards.

13.—(1.) The landward part and the burghal part of a parish partly landward and partly burghal shall respectively be parish wards, or shall respectively be divided into two or more parish wards, of the parish.

(2.) A police burgh or any part thereof, so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(3.) A county council electoral division (exclusive of any police burgh or part of a police burgh comprised therein), so far as within a parish, shall be a parish ward, or shall be divided into two or more parish wards, of the parish.

(4.) A county council, on being satisfied after due local inquiry, that within the county, exclusive of any police burgh, different portions of the population of any landward parish, or of any landward part of a parish partly landward and partly burghal, are so situated or have such interests as to make it desirable that they should be separately represented on the parish council, may from time to time resolve and, by order under their seal, determine that such parish, or landward part of a parish, be divided, subject to the provisions of this section, into such and so many parish wards as they may deem expedient, and shall in such order designate each parish ward, and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

(5.) The town council of a burgh or burgh commissioners of a police burgh may, if they think fit, from time to time resolve, and by order under their seal determine that any parish or part of a parish within the burgh or police burgh be divided into such and so many parish wards as they may deem expedient, and shall, in making such division, have due regard to the existing division (if any) of the burgh or police burgh into municipal wards, and shall in such order designate each parish ward and define its boundaries, and shall thereafter by order assign the number of parish councillors to be elected by the parish electors therein.

55 & 56 Vict. c. 55.

(6.) Section eleven of the Burgh Police (Scotland) Act, 1892, shall, subject to the exceptions contained in section five (*a*) and in Schedule Two thereof, be construed to include, and shall, notwithstanding any local Act to the contrary, include, the division into wards, and the revision, alteration, extension, or contraction of the boundaries of the wards, of a burgh, for parliamentary and municipal as well as for police purposes, and that, whether an application has been made for the revision of the boundaries of the burgh or not, provided that any such revision, alteration, extension, or contraction shall not affect the boundaries of any division of such burgh for the purpose of returning a member to serve for such division in Parliament. In this sub-section the expression "burgh" includes police burgh.

(7.) Any county council or town council or burgh commissioners respectively may by order under their seal in terms of the foregoing sub-sections revoke or modify any previous order, or, within the county or burgh or police burgh, cancel or alter any division of a parish into wards in force at the commencement of this Act, but every such division shall, so far as consistent with the provisions of this Act, remain in force until so cancelled or altered.

(8.) A copy of every order made under this section shall be transmitted to the Board within fourteen days after it is made.

(9.) In a parish divided into parish wards, the parish councillors for each parish ward shall be separately elected.

Regulations as to election of parish councillors in landward parish, &c.

14. With respect to the second and subsequent elections of parish councillors for a landward parish, or for the landward part of a parish partly landward and partly burghal, the following provisions shall, except within parishes or parts of parishes

co-extensive with police burghs or parts of police burghs, have effect:—

(1.) The election of such parish councillors shall take place in every third year, beginning with the year one thousand eight hundred and ninety-eight, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of county councillors for the county in which such parish or part of a parish, as the case may be, is situated, or if there is a contested election for parish councillors, but there is no contested election for county councillors in the county council electoral division or divisions corresponding to such parish or part of a parish, as the case may be, as if there were a contested election for county councillors in such electoral division or divisions.

(2.) The expenditure incurred in the election of such parish councillors as ascertained and apportioned by agreement between the county council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such parish, and shall be paid to the county council by such parish council or councils.

(3.) From and after such second election, the term of office of such parish councillors shall be three years, and in every third year the whole number of such parish councillors shall go out of office, and their places shall be filled by election.

(4.) The enactments regulating the election of county councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such parish councillors.

(5.) If in any case such parish, or part of a parish, is situated in more counties than one, the provisions of this section shall apply with the necessary variations and subject to such regulations as may be made by any order of the Board, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the county council of every county to make due provision for the election of such parish councillors.

(7.) A county council may refer to the Board any question that may arise as to the performance of the duty of such county council under this section, and the determination of the Board, as signified by order thereon, shall be final.

Regulations as to election of parish councillors in burghal parish, &c.

15. With respect to the second and subsequent elections of parish councillors for a burghal parish, or for the burghal part of a parish partly landward and partly burghal, the following provisions shall have effect:—

(1.) The election of such parish councillors shall take place in every third year, beginning with the year one thousand eight hundred and ninety-eight, on the same day and, as nearly as may be, in the same manner, in the same places, and with the same returning and presiding officers and clerks, as the election of town councillors for such burgh, or if there is a contested

election for parish councillors, but there is no contested election for town councillors in such burgh or in any ward thereof (if it is divided into wards), as if there were a contested election for town councillors in such burgh, or in a ward or wards thereof.

(2.) The expenditure incurred in the election of such parish councillors, as ascertained and apportioned by agreement between the town council and the parish council or councils concerned, or, failing agreement, by order of the Board, shall be a charge upon the poor rate levied in such parish, and shall be paid to the town council by such parish council or councils.

(3.) From and after such second election the term of office of such parish councillors shall be three years, and in every third year the whole number of such parish councillors shall go out of office, and their places shall be filled by election: Provided that the term of office of parish councillors elected for such burghal part of a parish shall not commence until the first Tuesday of December following their election.

(4.) The enactments regulating the election of town councillors shall, with the necessary variations and subject to the provisions of this Act, extend and apply to the election of such parish councillors.

(5.) If in any case the burghal part of a parish is situated in more burghs than one, the provisions of this section shall apply with the necessary variations, and subject to such regulations as may be made by any order of the Board, and such regulations shall have effect as if they were contained in this Act.

(6.) It shall be the duty of the town council of every burgh to make due provision for the election of such parish councillors.

(7.) A town council may refer to the Board any question that may arise as to the performance of the duty of such town council under this section, and the determination of the Board, as signified by order thereon, shall be final.

The foregoing provisions shall apply to the second and subsequent elections of parish councillors in parishes or parts of parishes co-extensive with police burghs or parts thereof, with the omission of the words "burghal," and with the substitution of the expression "police burgh" for "burgh," and "burgh commissioners" for "town council" or "town councillors."

Notice of election and nomination papers, &c.

16. The enactments by the principal Act or this Act applied to the election in a county of county councillors and in a county (except within parishes or parts of parishes co-extensive with police burghs or parts of police burghs) of parish councillors, shall, for the purposes of such election, be construed or amended so as to incorporate the following provisions, which are hereby enacted, that is to say:—

(1.) The notice of election shall 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 shall

be lodged with the returning officer at any time not later than four o'clock afternoon on the second Tuesday preceding the day of election; and sub-section four of section thirty of the principal Act is hereby repealed. Every nomination paper shall be signed by the candidate nominated or by some person duly authorised in that behalf.

(2.) It shall not be necessary to publish the names of candidates for a parish council elsewhere than in the parish, but the returning officer may, if he think it expedient, publish them in any manner in which he publishes the names of candidates for the county council.

(3.) Any intimation made to a returning officer of the nomination of a candidate for election shall be competently withdrawn by giving notice of withdrawal to the returning officer not later than four o'clock afternoon on the Tuesday immediately preceding the day of election, and such notice of withdrawal shall be signed by the person nominated or by some person duly authorised in that behalf, provided that no such withdrawal shall be competent when its effect would be to reduce the total number of persons nominated for such election in a county electoral division or parish or parish ward below the number necessary to supply the vacancies to be filled, and provided also that such notices shall take effect in the order in which they are delivered.

Powers and duties of returning officer.

17.—(1.) A returning officer shall make and publish such arrangements as he shall think fit for the purpose of enabling nomination papers for the election of parish councillors, and notices of withdrawal, to be obtained, and when filled up to be received and dealt with, at some place within or adjoining the parish, and for that purpose may, by writing under his hand, delegate such of his powers as he shall think necessary to the clerk of the parish council of the parish or other fit person.

(2.) The returning officer or officers, as the case may be, shall after an election give intimation in writing forthwith to the clerk of the parish council of the persons elected as parish councillors, and the said clerk shall in each year, by notice in writing to each parish councillor, summon the statutory meeting of the parish council. The notice shall state the hour and place of meeting.

(3.) A nomination paper shall be competently signed by any two parish electors entitled to vote for the candidate nominated.

(4.) The intimation of nomination, and notice of withdrawal respectively, may be in the form of the Second and Third Schedules to this Act annexed.

Supplemental provision as to elections.

18. If a parish council are not elected at the time at which they ought to be elected, or if an insufficient number of councillors is elected, or if a parish council become unable to act by reason of deficiency in the number of councillors, whether from failure to elect or otherwise, the Board may order, at such time and in such manner as seems expedient, a new election of a councillor or councillors for the parish or for a ward or wards thereof, and shall by order make such provision as seems expedient for authorising

any person to act temporarily in the place of the parish council. If two or more candidates receive an equal number of votes, being more than can be elected, the returning officer shall have the casting vote.

Office of parish councillor and regulations regarding parish council.

19.—(1.) A parish council shall be elected from among the parish electors.

(2.) A parish council may, subject to the provisions of this Act, from time to time make, vary, and revoke such regulations as they think fit with respect to the summoning notice, time, place, and management of their meetings, or of the meetings of any committee of the council, and generally with respect to the conduct of their business: Provided that a casual vacancy in a parish council or a vacancy in the office of chairman shall not be filled unless notice, specifying that such vacancy is to be considered, has been issued to each councillor at least seven days before the meeting. A parish council may appoint a clerk; but failing such appointment the inspector of the poor of the parish shall act as clerk of the parish council, and where no clerk is appointed, any reference in this Act to the clerk of the parish council shall be deemed to include a reference to the inspector of the poor of the parish. Such clerk (if any) shall be paid such reasonable salary as the parish council may think proper, and shall hold office during the pleasure of the council.

(3.) The quorum of a parish council shall be one fourth of the whole number of the council, but shall in no case be less than three.

(4.) Subject to the provisions of this Act, a casual vacancy in a parish council, or in any office to which the parish council appoint a representative from their own number, caused by death, resignation, or disqualification, shall, as soon as practicable, be filled by the parish council, but the person filling any such vacancy shall hold office so long only as the vacating councillor would have retained the same if such vacancy had not occurred.

(5.) The parish council shall elect a chairman from their own number and should the chairman be absent from any meeting of the council the councillors shall appoint one of themselves to be chairman of the meeting, and should a vacancy occur in the office of chairman during the tenure of office of the council it shall be supplied by a new appointment, and at every meeting the chairman shall have a deliberative, as also in cases of equality a casting, vote.

(6.) The term of office of such chairman shall not extend beyond the next statutory meeting after his election, and his place shall be filled by election at a meeting of the parish council, in this Act referred to as the statutory meeting, to be held in each year after the year one thousand eight hundred and ninety-five on any lawful day within ten days after the first Tuesday of the month of December. The chairman shall be eligible for re-election.

(7.) The representative from a parish council on a district committee of a county council, or on the county council sitting as a district committee where a county is not divided into districts, shall, subject to the provisions of section seventy-eight of the principal

Act, be appointed annually at the statutory meeting of the parish council from their own number: Provided always that, in the case of parishes partly landward and partly burghal, he shall be appointed by the landward committee from their own number.

Disqualification for parish councils.

20.—(1.) A person shall be disqualified for being elected, and for being, a member of a parish council, if and while he—

(*a*) holds any office or place of profit under the parish council or any committee thereof, 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 parish council or any committee thereof.

(2.) 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—

(*a*) any lease, sale, or purchase of land, or water, or right of water supply, or any agreement for the same; or

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

(*c*) any newspaper in which any advertisement relating to the affairs of the parish council or any committee thereof is inserted; or

(*d*) any company which contracts with the parish council, or any committee thereof, for lighting or supplying with water, or insuring against fire, any property of the parish council; or

(*e*) any contract with the council for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing highways or bridges, or for the transport of materials for the repair of roads or bridges in his own immediate neighbourhood; or

(*f*) any railway company or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Acts, 1862 to 1890:

Provided that no parish councillor shall vote or act in any matter in which he has a pecuniary interest.

(3.) No person shall be disqualified by sex or marriage for being elected, or being, a member of a parish council, or for being appointed a representative of that council on a district committee of a county council, or on a county council where a county is not divided into districts.

PART III.

POWERS AND DUTIES TRANSFERRED TO PARISH COUNCILS.

Parochial boards to cease.

21. On and after the fifteenth day of May in the year one thousand eight hundred and ninety-five, all enactments regulating the constitution and election of parochial boards shall be repealed, and the parochial board of any parish shall continue to hold office only until the said day, and no longer; and on and after such day, every reference in any Act of Parliament, scheme,

deed, or instrument to a parochial board constituted under the law in force at the passing of this Act, shall be read and construed as referring to a parish council constituted under this Act.

Parish councils to take the place of parochial boards.

22. A parish council shall, subject to the provisions of this Act, come in place of a parochial board and shall be deemed to be a continuance thereof, and a parish council shall have and may exercise all the powers and duties, and shall be subject to all the liabilities of a parochial board, and all the provisions of any Act of Parliament in force at the passing of this Act relating to or dealing with the powers and duties of parochial boards, and the appointment, powers, and duties of their officers, in so far as not inconsistent with this Act, shall subsist and have effect.

PART IV.

NEW POWERS CONFERRED UPON PARISH COUNCILS IN LANDWARD PARISHES AND LANDWARD PARTS OF PARISHES.

Landward committees to be constituted in certain parishes.

23.—(1.) In this Part of this Act the expression parish council does not include the parish council of a burghal parish.

(2.) For the purpose of exercising and performing the powers and duties conferred and imposed by this Part of this Act, in the case of a parish which—

(*a*) is partly landward and partly burghal; or

(*b*) comprises a police burgh or part of a police burgh,

there shall be a committee of the parish council, in this Act referred to as the landward committee, which shall in every case consist of the whole number of parish councillors for such parish, excepting only the councillors representing the burghal part of the parish, or such police burgh, or part of a police burgh; and, in the case of such parishes, the powers (except the power to raise money by rate or loan) and duties conferred and imposed on a parish council by this Part of this Act, shall be exercised and performed by the landward committee, which for such purpose and for the purpose of the Public Libraries Consolidation (Scotland) Act, 1887, shall be deemed to be the parish council of the parish, and which may sue and be sued as such landward committee. For such purpose, such burghal part and such police burgh or part of a police burgh shall be deemed to be outwith such parish, and shall not be rated by the parish council.

50 & 51 Vict. c. 42.

Provided that where, in terms of section nine of this Act, a landward committee would consist of less than five members, the Board may, if they deem it expedient with a view to the proper transaction of business, by order provide for the election, along with, and subject to the same provisions as, the election of parish councillors, of such additional number of members of such landward committee as shall be named in the order. In such case, if the election of the landward committee takes place according to parish wards, at least one member shall be added for each ward. Such landward committee, as increased, shall appoint from their own number to the parish council the requisite number of parish

councillors, as determined in terms of section nine of this Act, and shall fill any casual vacancy occurring in the number of such parish councillors or in the landward committee.

(3.) A landward committee may exercise and perform their powers and duties under this Part of this Act without reference to and without the approval of the parish council. The provisions of sub-sections two, three, five, and six of section nineteen of this Act shall apply to a landward committee with the substitution of the expression "landward committee" for "parish council" occurring therein.

(4.) Where the population of the landward part of a parish partly landward and partly burghal, exclusive of any police burgh or part of a police burgh comprised therein, does not exceed one hundred, a landward committee, as provided for in sub-section two of this section, shall not be constituted unless and until the Board shall so order on the application of not fewer than five parish electors residing within such landward part.

Additional powers of parish councils.

24.—(1.) A parish council shall have the following powers, namely, power—

(*a*) to provide or acquire buildings for public offices and for meetings, and for any purposes connected with parish business, or with the powers or duties of the parish council, and to provide or acquire land for such buildings; and

(*b*) to provide, or acquire, maintain, lay out, and improve grounds for public recreation; and

(*c*) to acquire by agreement any right of way, whether within the parish or in an adjoining parish, the acquisition of which is beneficial to the inhabitants of the parish or of any part thereof; and

(*d*) to accept and hold any gifts of property for the benefit of the parish; and

(*e*) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any property of the parish council; and

(*f*) to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council, or other authority or person, to do or contribute towards the expense of doing, any of the things above mentioned.

(2.) A parish council may let, sell, or exchange any land or buildings provided or acquired under this Part of this Act, and vested in the council, but the power of letting for more than a year and the power of sale or exchange shall not be exercised without the consent of the Board.

(3.) With a view to the due enforcement of the provisions of the Public Health Acts, a parish council shall have and may exercise, within, or in respect to, the parish the same powers as are conferred upon any two householders by section ninety-six of the Public Health (Scotland) Act, 1867, and upon any five ratepayers by section seventeen of the principal Act, and upon a county

30 & 31 Vict. c. 101.

council by sub-section (2) of section fifty-three of the principal Act.

(4.) A parish council shall have the same power of making a representation with respect to allotments as is conferred on parliamentary electors by the Allotments (Scotland) Act, 1892.

55 & 56 Vict. c. 54.

After a parish council is elected for any parish, the powers and duties of allotment managers under the Allotments (Scotland) Act, 1892, shall, in relation to allotments provided for the parish, be exercised and performed by the parish council, without any appointment.

(5.) A parish council shall have the same power of presenting a petition with regard to a demand for small holdings in a county as is conferred on any one or more county electors by the Small Holdings Act, 1892, and in lieu of the triennial election by the county electors provided by section twenty-four of the said Act, the parish council of the parish in which the holdings are situated shall appoint two representatives from their own number to serve as members of the committee of the county council.

55 & 56 Vict. c. 31.

(6.) A parish council shall have the same power of making any complaint or representation as to unhealthy dwellings or obstructive buildings as is conferred on inhabitant householders by the Housing of the Working Classes Act, 1890.

53 & 54 Vict. c. 70.

Powers for acquisition of land.

25.—(1.) For the purpose of the acquisition of land by a parish council, the Lands Clauses Acts shall be incorporated with this Act, except the provisions of these Acts relating to the purchase and taking of land otherwise than by agreement.

(2.) If a parish council are unable to acquire by agreement, and on reasonable terms, suitable land for any purpose for which they are authorised and desire to acquire it, they may make a representation to the county council, and the county council shall inquire into the representation.

(3.) If on any such representation, a county council are satisfied that suitable land for the purpose of the parish council cannot be acquired on reasonable terms by voluntary agreement, and that the circumstances are such as to make it proper that the county council should proceed under this section, they shall publish once at least in each of two consecutive weeks in some newspaper circulating in the locality, an advertisement stating shortly the purpose for which the land is proposed to be taken, mentioning a place at which a plan of the proposed works, if any, may be seen at reasonable hours, and stating the quantity of land that is required. Thereafter they shall cause public inquiry to be made in the parish, and notice to be given, both publicly in the parish and severally to the owners, lessees, and occupiers of the land proposed to be taken, either by delivery at, or by post in a registered letter addressed to, the usual or last known place of abode of such owners, lessees, and occupiers, and all persons whose interests would be affected shall be permitted to attend at the inquiry, and to support or oppose the taking of the land.

(4.) After the completion of the inquiry, and after considering all objections made by any persons whose interests would be

affected, the county council may make an order for putting in force, with respect to the said land or any part thereof, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(5.) If in any case the county council refuse to make such order, the parish council may appeal to the Board, and the Board after local inquiry may make the order, and this section shall apply as if the order had been made by the county council. Any order made under this sub-section overruling the decision of the county council shall be laid before Parliament.

(6.) A copy of any order made under this section shall be served by the county council in the manner in which and upon the person or persons upon whom notices in respect of such land are herein-before required to be served, together with a statement that the order will become final and have the effect of an Act of Parliament, unless within a period of one month after such service, a memorial by some person whose interests would be affected is presented to the Board, praying that the order shall not become law without further inquiry.

(7.) The order shall be deposited with the Board, who shall inquire whether the provisions of this section have been in all respects complied with; and if the Board are satisfied that this has been done, then, after the expiration of the said period of one month—

(*a*) if no memorial has been presented, or if every such memorial has been withdrawn, the Board shall without further inquiry confirm the order:

(*b*) if a memorial has been presented, the Board shall proceed to hold a local public inquiry, and shall, after such inquiry, either confirm, with or without amendment, or disallow the order:

(*c*) upon any such confirmation, the order, and if amended as so amended, shall become final, and have the effect of an Act of Parliament, and the confirmation by the Board shall be conclusive evidence that the order has been duly made, and is within the powers conferred by this Act, and that the requirements of this Act have been complied with.

Provided always that the Board may, and when required within the said period of one month by any party interested who has presented a memorial against the order shall, state a special case on the question whether the proposed order is within the powers conferred by this Act for the opinion of either division of the Court of Session, who are hereby authorised finally to determine the same along with any question of expenses.

(8.) Where the Board are authorised, or required, to make any inquiry under this section, they may cause such inquiry to be made by any inspector or officer of the Board, or by any other person specially nominated in writing by the Board, and such inspector or officer or person shall be entitled to summon witnesses, and examine them on oath, and to call for the production of books, documents, and accounts. The costs incurred in relation to such inquiry,

including the remuneration of any person specially nominated to hold the same, not exceeding three guineas a day, shall be paid by the county councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Board may direct, and the said Board may certify the amount of the costs incurred, and any sum so certified shall be a debt to the Board from the county council or authority directed to pay the same.

(9.) The order shall be carried into effect by the county council.

(10.) Any order made under this section for the purpose of the purchase of land otherwise than by agreement, shall incorporate the Lands Clauses Acts, and section six and sections seventy to seventy-eight (both inclusive) of the Railways Clauses (Scotland) Consolidation Act, 1845, with the necessary adaptations: Provided that—

8 & 9 Vict. c. 33.

(*a.*) Any question of disputed compensation shall be referred to the arbitration of a sole arbiter appointed by the parties, or if the parties do not concur in the appointment of a sole arbiter then, on the application of either of them, by the Board, and the remuneration to be paid to the arbiter appointed by the Board shall be fixed by the Board. An arbiter appointed under this sub-section shall be deemed to be an arbiter within the meaning of the Lands Clauses Acts, and the provisions of these Acts with respect to an arbitration shall apply accordingly; and the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final; and

(*b.*) In determining the amount of disputed compensation, the arbiter shall not make any allowance in respect of the purchase being compulsory.

(*c.*) The parish council shall make and shall jointly with the proprietor maintain sufficient fences for separating the land taken from the lands not taken.

(*d.*) In construing for the purposes of this section any section or Acts incorporated with or put in force under this section, this Act, together with any order under this section, shall be deemed to be the special Act.

(11.) At any inquiry or arbitration held under this section, the person or persons holding the inquiry or arbitration, shall hear any authorities or parties whose interests would be affected, by themselves or their agents, and may hear witnesses, but shall not, except with consent of the Board, hear counsel or expert witnesses.

(12.) A person holding a public inquiry for the purposes of this section on behalf of the county council shall have the same powers as, and may receive remuneration not exceeding that payable to, a person specially nominated by the Board to hold such an inquiry under this section.

(13.) The county council or Board, as the case may be, shall not make any order for purchasing the whole or any part of any park,

garden, pleasure ground, or other land required for the amenity or convenience of any dwelling-house, or any land the property of a railway company or canal company which is or may be required for the purposes of their undertaking, or any land which in the opinion of the county council or Board is being held and may be required for the extension of a factory or public work.

(14.) The county council or Board, as the case may be, shall in making an order for purchasing land, have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and shall, so far as is practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

(15.) Any land acquired under this section shall be vested in the parish council.

(16.) The expenses of a county council incurred under this section shall be defrayed by the parish council.

(17.) The Board shall in their annual report include a statement of any proceedings under this section.

Leasing of land for allotments or common pasture.

26.—(1.) A parish council shall have power to take land on lease for allotments or, not exceeding twenty acres in extent, for common pasture, and if they are satisfied that allotments or common pasture are required, and are unable to obtain on lease by agreement on reasonable terms suitable land for allotments or for common pasture, they shall represent the case to the county council, and the county council may, subject to the restrictions in this section, make an order authorising the parish council to take on lease compulsorily for allotments, for a period of not less than ten years nor more than thirty-five years, such land in or near the parish as is specified in the order, and the order shall, as respects confirmation and otherwise, be subject to the like provisions as if it were an order of the county council made under the last preceding section of this Act, and that section shall apply as if it were herein re-enacted with the substitution of taking on lease for purchase, and with the other necessary modifications.

(2.) A sole arbiter, who shall be appointed in accordance with the provisions of the preceding section, and to whom the provisions of that section shall apply, shall have power to determine any question—

(*a*) as to the terms and conditions of the proposed lease; or

(*b*) as to the amount of compensation for severance; or

(*c*) as to the compensation payable to any tenant in respect of the land taken forming part of an existing tenancy; or

(*d*) as to the apportionment of the rent between the land taken by the parish council and the land retained by the tenant; or

(*e*) as to any other matter incidental to the taking on lease of the land by the council, or the surrender thereof at the end of their tenancy;

but the arbiter, in fixing the rent, shall not make any allowance in respect of the lease being compulsory.

(3.) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused

by the withdrawal from the holding of the land taken on lease by the parish council, shall, as far as possible, be provided for by taking such compensation into account in fixing, as the case may require, the rent to be paid by the parish council for the land taken on lease by them, and the apportioned rent, if any, to be paid by the tenant for that portion of the holding which is not taken on lease by the parish council: Provided always that during the unexpired period of the tenant's lease the sum in cumulo of the apportioned portions of rent shall not be less than the rent formerly paid by the tenant.

(4.) The award of the arbiter, or a copy thereof, together with a report signed by him as to the condition of the land taken by the parish council, shall be deposited and preserved with the public books and papers of the parish council, and any person interested shall at all reasonable times be at liberty to inspect the same, and to take copies thereof.

(5.) Save as herein-after mentioned, sections five to eight inclusive, and section fourteen and the proviso to section twelve of the Allotments (Scotland) Act, 1892, shall apply to any allotment taken on lease by a parish council in like manner as if that council were the local authority and also the allotment managers:

55 & 56 Vict. c. 54.

Provided that the parish council—

(*a*) may let to one person an allotment or allotments exceeding one acre, but, if the land is taken on lease compulsorily, either not exceeding in the whole four acres of pasture or one acre of arable and three acres of pasture, or not exceeding four pounds in annual value; and

(*b*) may permit to be erected, on the allotment, any stable, byre, or barn: Provided that such stable, byre, or barn shall not, unless erected with the assent in writing of the landlord, be the subject of compensation, but may be removed by the tenant on the determination of the tenancy; and

(*c*) shall not break up, or permit to be broken up, any permanent pasture, without the assent in writing of the landlord.

(6.) On the determination of any tenancy created by a compulsory lease, a sole arbiter who shall be appointed in accordance with the provisions of the last preceding section and to whom the provisions of that section shall apply, shall have power to determine the amount due by the landlord for compensation for improvements, or by the parish council for depreciation.

(7.) The order for compulsory taking on lease may apply, with any adaptations which may be prescribed by general or special order of the Board, such of the provisions of the Lands Clauses Acts (including those relating to the acquisition of land otherwise than by agreement) as appear to the county council or Board sufficient for carrying into effect the order, and for the protection of the persons interested in the land and of the parish council.

(8.) Nothing in this section shall authorise the compulsory taking on lease of any mines or minerals, or confer the right to take, sell, or carry away, any stone, gravel, sand, or clay, or authorise the taking on lease of any land which is already owned, or

occupied, as a small holding within the meaning of the Small Holdings Act, 1892, or under the Crofters Holdings Act, 1886, or any Act amending the same. 55 & 56 Vict. c. 31. 49 & 50 Vict. c. 29.

(9.) If the land taken on lease under this section shall at any time, during the tenancy thereof by the parish council, be shown to the satisfaction of the county council to be required by the landlord for the purpose of working and winning the mines, minerals, or surface minerals thereunder, or for feuing for building; or for any road or work to be used in connexion with such working or winning or feuing, it shall be lawful for the landlord of such land to resume possession thereof upon giving to the parish council twelve calendar months previous notice in writing of his intention so to do, and upon such resumption the landlord shall pay to the parish council and to the allotment holders of the land for the time being such sum by way of compensation for the loss of such land for the purposes of allotments as may be agreed upon by the landlord and the parish council, or, in default of such agreement, as may be awarded by a sole arbiter, who shall be appointed in accordance with the provisions of the last preceding section and to whom the provisions of that section shall apply.

The word "landlord" in this sub-section means the person for the time being entitled to receive the rent of the land taken on lease by the parish council.

(10.) The Board shall in their annual report include a statement of any proceedings under this section.

Special parish rate may be levied.

27.—(1.) A parish council may for the purposes of this Part of this Act (including any annual charge, whether of principal or interest, in respect of any loan), levy within the parish a rate not exceeding sixpence in the pound on the annual value of the lands and heritages within such parish, as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, in this Act referred to as the special parish rate. 8 & 9 Vict. c. 83.

(2.) Such special parish rate shall, subject to the provisions of this Act, be levied and collected along with, and as an addition to, the poor rate, and with the same remedies and modes of recovery, but in the demand note the special parish rate shall be separately set forth and demanded.

Provided that, in parishes where no poor rate is levied, or where the poor rate is imposed according to the provisions of a local Act, or according to established usage, such special parish rate shall be levied according to the mode of assessment specified in section thirty-four of the Poor Law (Scotland) Act, 1845.

(3.) In parishes in which powers and duties are exercised and performed under this Part of this Act by a landward committee, such landward committee shall annually, and not later than the twelfth day of June in each year, certify to the parish council the amount, if any, required to be provided by means of a special parish rate, and the parish council shall, as soon as may be, pay to the landward committee such amount.

Borrowing for this Part of Act.

28.—(1.) A parish council, acting under this Part of this Act, may, for any of the following purposes, that is to say—

(*a*) for purchasing any land, or erecting any buildings, which they are authorised to purchase or erect; and

(*b*) for any permanent work or other thing which they are authorised to execute or do, and the cost of which ought, in the opinion of the Board, to be spread over a term of years;

borrow money, with the consent of the Board.

(2.) In parishes where powers and duties under this Part of this Act are exercised and performed by a landward committee, it shall be the duty of the parish council to transmit to the Board any recommendation of the landward committee for the raising of a loan in terms of this section; and, provided the necessary consent be given, to raise the loan accordingly.

(3.) Any loan under this Part of this Act shall be made on the security of the special parish rate.

(4.) A county council may lend to a parish council any money which the parish council are authorised to borrow under this Part of this Act, and may, if necessary, raise the money by loan.

(5.) A loan raised by a parish council under this section shall be repaid—

(*a*) if for the purchase of land or the erection of buildings, within such period not exceeding forty years; and

(*b*) if for any other purpose, within such period not exceeding thirty years

as the Board may determine in each case.

(6.) A parish council shall pay off every loan under this section, 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 made, in that behalf, by the Secretary for Scotland.

Maintenance of public ways.

41 & 42 Vict. c. 51.

29. A parish council may repair and maintain all or any of the public ways (not being highways or footpaths at the side of a highway within the meaning of the Roads and Bridges (Scotland) Act, 1878) within the parish, and the expense of such repair and maintenance shall be defrayed out of the special parish rate, but this power shall not nor shall the exercise thereof relieve any other authority or person from any liability with respect to such repair or maintenance; and such repair or maintenance shall not involve the parish council in any liability for damages to person or property resulting from the condition in which any such way may be maintained.

PART V.

PARISH TRUSTS.

Powers of parish councils over

30.—(1.) When trustees hold any property wholly or mainly for the benefit of the inhabitants of a single parish or any of them, as

such inhabitants, or for any public purpose connected with a single parish other than—

parish charities and churchyards.

(*a*) for an ecclesiastical charity;

(*b*) for an educational endowment within the meaning of the Educational Endowments (Scotland) Act, 1882; or

45 & 46 Vict. c. 59.

(*c*) for the use or benefit of the poor of the parish within the meaning of section fifty-two of the Poor Law (Scotland) Act, 1845;

8 & 9 Vict. c. 83.

they may transfer the property to the parish council of the parish, or to persons to be from time to time appointed by that council, and the parish council, if they accept the transfer, or persons whom they appoint, shall hold the property on the trusts and subject to the conditions on which the trustees hold the same.

(2.) In the event of any such property not being transferred to the parish council under and subject to the provisions of the preceding sub-section, the parish council of the parish concerned may from time to time appoint such number of additional persons to act along with the trustees of the said property, as the trustees and the parish council may agree upon, or in default of such agreement as may be approved by the Board in each case: Provided that where the trustees of any such property are elected by, or include persons elected by, parish electors or inhabitants of the parish, or are members of the county or town council, or are burgh commissioners, the provisions of this sub-section shall not apply unless the Board by order so prescribe.

(3.) Where the trustees of any such property are the kirk session, or the heritors and kirk session, of any parish, or the kirk session or deacon's court, or managers, or vestry of a congregation belonging to any religious denomination to the number, whether alone or conjoined with others, of not less than six persons, the said trustees shall from time to time appoint certain of their own number, not exceeding three, and the parish council of the parish shall from time to time appoint such number of additional persons as the Board may in each case approve, to act together as a committee of management of the said property, and such management shall be transferred to the committee accordingly.

(4.) Where trustees hold any property for the benefit of the inhabitants of, or for any public purpose (other than as herein-before mentioned) connected with, two or more parishes, the parish councils of the parishes concerned may, if the Board so decide, from time to time appoint, in such manner or rotation and subject to such conditions as may be prescribed in any order of the Board, such number of additional persons to act along with the trustees of the said property as may be approved by the Board in each case.

(5.) The term of office of a trustee appointed under this section shall be not longer than three years, but a trustee shall hold office until his successor is appointed, and shall be eligible for re-appointment.

(6.) The heritors of any parish may transfer the property of any churchyard which they hold to the parish council, and the parish council, if they accept such transfer, shall thereafter hold such

churchyard for the same purposes and subject to the same rights for and subject to which it was held by such heritors, and shall have and may exercise and perform all the powers and duties before such transfer vested in or imposed on such heritors in relation to the churchyard transferred (except any power or duty of enlarging or extending such churchyard and assessing for the cost of such enlargement or extension): Provided that the costs of maintenance and management of such churchyard after such transfer shall, if and so far as they require to be defrayed out of any rate, be a charge upon the poor rate: and provided also that such transfer shall not alter or transfer any liability to assess for the repayment of any debt or the incidence of any assessment levied for such repayment. After such transfer the powers and duties transferred shall no longer be exercised and performed by such heritors.

(7.) The Board may by order prescribe rules (1) as to the form in which the accounts of any property dealt with in this section shall be kept, and (2) as to the publication of the said accounts.

(8.) Whilst a person is trustee of any property or revenues falling within the provisions of this section, he shall not, nor shall his wife or any of his children, receive any benefit therefrom.

(9.) The provisions of this section with respect to the appointment of trustees shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor, or by several donors, any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors.

PART VI.

SUPPLEMENTAL.

Use of schoolrooms.

31. The parish electors on the application of not fewer than six of their number and the parish council (including a landward committee) shall be entitled to use, free of charge, at all reasonable times, except during ordinary school hours, and after reasonable notice, for any purpose under this Act, or under the Poor Law (Scotland) Act, 1845, the Education Acts, or the principal Act, including public meetings in connexion with the candidature of any person for the county council or the parish council, any room in a school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any rate levied by the parish council.

8 & 9 Vict. c. 83.

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house.

Provided also that any expense reasonably incurred by the person or persons having control over the room, or any damage done to the room or its contents in consequence of its being so used, shall be defrayed by such parish electors or the parish council who,

when the meeting is called for the purposes of any candidature, shall be entitled to recover such expense from the person or persons calling the meeting.

Incorporation of parish council.

32. Every parish council elected in pursuance of this Act shall be incorporated under the name of the parish council of the parish, with power to sue and be sued, and shall have perpetual succession.

Committees of parish councils.

33. A parish council may from time to time appoint, from their own number, committees for the exercise of any powers which can properly be exercised by committees, and no committee of a parish council shall unless re-appointed hold office beyond the next statutory meeting of the council following its appointment, provided that a parish council shall not delegate to a committee any power of raising money by rate or loan.

Appointment of joint committees.

34. Any parish councils, or parish councils and county councils or district committees or town councils or burgh commissioners, may, from time to time, join in appointing, out of their respective bodies, a joint committee for any purpose of this Act in which they are jointly interested, and the provisions of section seventy-six of the principal Act, with regard to the appointment and powers of joint committees of county councils, or of county councils and town councils, shall, with the necessary variations, apply to joint committees appointed under this section.

Parish accounts.

35.—(1.) (*a.*) All receipts of a parish council relating to or arising out of powers transferred to them by Part III. of this Act shall be carried to a general parish fund; and

(*b.*) All receipts of a parish council or landward committee in relation to or arising out of powers conferred upon them by Part IV. of this Act shall be carried to a special parish fund; and

(*c.*) All payments in relation to or arising out of the said powers respectively shall be made out of the said funds respectively.

A separate bank account shall be kept for each fund and all cheques for payment of moneys shall be signed by two members of the parish council or landward committee, as the case may be, and be countersigned by the clerk. The Board shall make rules as to the method in which payments shall be made by a parish council and by a landward committee.

(2.) A parish council and a landward committee shall keep such accounts of the above-mentioned funds, and of the sums raised by rates, as will prevent a rate from being applied to any purpose to which it is not properly applicable. The Board shall prescribe forms in which such accounts shall be kept.

Audit of accounts.

36. The provisions contained in sections sixty-eight to seventy inclusive of the principal Act with respect to the making up and auditing of the accounts of a county council shall, with the substitution of "parish council" for "county council," and "clerk of the parish council" for "county clerk," and "parish" for "county" or "burgh," and "the Board" for "the Secretary for Scotland," apply to the making up and auditing of the accounts

of a parish council, including those of a landward committee, subject to the following provisions, that is to say:

(1.) The accounts of the parish council shall be audited by an auditor appointed by the Board.

(2.) The Board may, by order, prescribe rules modifying the enactments as to the time and place of audit.

(3.) The Board may prescribe a scale for the remuneration of auditors in respect of their duties under this section.

(4.) The accounts of a parish council shall be transmitted annually by the clerk of the council as soon as may be after the fifteenth day of May but not later than the first day of August to the auditor appointed by the Board.

Local annual budget.

37. At a meeting in the month of July in each local financial year every parish council shall cause to be submitted to them the estimates of the receipts and expenditure of such council, including those of a landward committee or other committee thereof, during that financial year, whether on account of property, contributions, rates, loans, or otherwise, and shall revise such estimates (other than those of any landward committee), and authorise such expenditure and make such provision for meeting the same, as they shall approve.

Borrowing by parish councils.

8 & 9 Vict. c. 83.

38.—(1.) If and so long as the amount of loans owing by any parish council for the time being exceeds one fifth of the annual value of the lands and heritages within such parish as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, no further loan, other than a temporary loan in terms of section eighty-nine of the said Act, shall be raised by such parish council without the consent of the Board.

(2.) Where money has been borrowed by a parish council, or by a parochial board, the parish council shall, until the loan has been extinguished, 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 he may from time to time prescribe, 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.

Duty of Board and of county and town councils and burgh commissioners to bring Act into operation.

39.—(1.) It shall be the duty of the Board, and of every county council and town council, and of burgh commissioners in a police burgh, to exercise all powers which may be requisite for bringing this Act into full operation as soon as may be after the passing thereof.

(2.) Where the Board are authorised or required by any Act to make or confirm any order, rule, or regulation, or to give any consent, sanction, or approval, or otherwise to act, they may cause a local inquiry to be held in terms of sub-section eight of section twenty-five of this Act, and the provisions of that sub-section shall apply accordingly.

Chairman of district committee and of parish council to be justice.

40. The chairman of a district committee and the chairman of a parish council, unless a woman or personally disqualified by any Act, shall by virtue of their office be justices of the peace for the county in which the district or parish is situate.

Absence from meetings.

41. If a parish councillor is absent from meetings of the parish council for more than six months consecutively, then, except in case of illness, or for some reason approved by the parish council, his office shall, on the expiration of the said six months, become vacant, and the vacancy may be filled as a casual vacancy.

Protection of rights of way.

42.—(1.) It shall be the duty of a town council or in a police burgh of the burgh commissioners, and of a district committee, and, where there is no district committee, of the county council, to assert, protect, and keep open and free from obstruction or encroachment any right of way, whether wholly within or partly within and partly without the burgh, police burgh, district, or county respectively, which it may appear to them respectively that the public have acquired by grant, prescriptive use, or otherwise, and they may respectively, for the purpose of carrying this section into effect, institute and defend any legal proceedings and generally take such steps as they may deem expedient.

(2.) Where a parish council, or any six parish electors, of a parish have represented to the district committee or, where there is no district committee, to the county council, that any public right of way within the district, or beneficial to any inhabitants of the district, has been or is likely to be shut, or obstructed, or encroached upon, it shall be the duty of the district committee, or, where there is no district committee, of the county council, if they are satisfied that the representation is well founded, to take such proceedings as may be requisite for the vindication of the right of way, and if the district committee refuse or fail to take proceedings in consequence of such representation, the parish council, or the electors who made the representation, may petition the county council, and if the county council so resolve, the powers and duties of the district committee under this section, in relation to such right of way, shall be transferred to the county council.

(3.) Any expenditure incurred by a county council or a district committee thereof in connexion with any legal or other proceedings, under the two preceding sub-sections, or either of them, shall be defrayed out of the road rate for the district, or, where a county is not divided into districts, out of the road rate for the county. Provided always, that any litigant who is successful against the county council or district committee shall not be assessed for such portion of the road rate as is rendered necessary by such expenditure.

(4.) Within a county, district, or parish respectively it shall be in the power of the county council, or district committee, or parish council, and of any member or members of the public, with the consent of any one of these bodies, to erect and maintain guide posts and direction notices upon any right of way.

Power to heirs of entail to grant land belonging to an entailed estate.

43. Any heir of entail in possession of land in Scotland, and the trustee, tutor, and curator of such heir of entail, if in minority or subject to any legal incapacity, may give and grant to a parish council, or to the commissioners of a police burgh, land belonging to the entailed estate to be used for public recreation, but not exceeding in the whole twenty acres: Provided that no such grant shall

be effectual unless the heir of entail next in succession of lawful age and any persons in right of heritable securities or other charges affecting such land shall consent thereto, or unless, in the event of the persons in right of such heritable securities or other charges refusing such consent, the sheriff, upon the application of the heir of entail in possession, duly intimated to such persons (who shall be entitled to appear and object), shall have found that the lands comprised in such heritable securities or charges, other than the lands proposed to be granted, afford adequate security; and the land so given and granted shall not be liable to nor affected by any other rights, titles, trusts, interests, or incumbrances to, in, or upon the same whatsoever, and such heir of entail shall not thereby be subject to nor incur any forfeiture or irritancy under the entail thereof: Provided always, that such land shall not be within a quarter of a mile of the mansion house in the natural possession of the proprietor, or part of any gardens, orchards, or enclosures adjacent to the mansion house which have usually been in the natural possession of the proprietor.

Formation of lighting and scavenging districts, and provision of public baths.

44.—(1.) It shall be lawful in a county for a parish council or for any two or more parish councils, or for not fewer than ten parish electors of any landward parish or of the landward part of any parish partly landward and partly burghal, to make a requisition in writing to the district committee of the county council, or when a county is not divided into districts to the county council, calling upon them to form such parish or parishes or landward part of a parish or any portion or portions thereof into a special district for the following purposes or any one or more of them; that is to say,—

(*a.*) The lighting of the special district and the adoption for such purpose by the district committee or county council as the case may be of the provisions contained in sections ninety-nine to one hundred and five inclusive of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

55 & 56 Vict. c. 55.

(*b.*) The scavenging of, and the removal of dust, ashes, and other refuse from, the streets, roads, footpaths, lands and premises in such special district, and the adoption for such purposes by the district committee or the county council, as the case may be, of the provisions contained in sections one hundred and seven to one hundred and twenty-seven, and two hundred and fifty-three to two hundred and fifty-five, inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

(*c.*) The provision and maintenance of public baths or bathing places, wash-houses, and drying grounds, and the adoption for such purposes by the district committee or county council, as the case may be, of the provisions contained in sections three hundred and nine to three hundred and fourteen, inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of them.

(2.) Upon such requisition being received, the district committee or county council, as the case may be, shall be bound to meet, after

twenty-one clear days notice, and shall consider the propriety of forming such parish or landward part of a parish or portion thereof into a special district, and shall by resolution either approve or disapprove of the formation of a special district (which shall in no case include a police burgh or any portion thereof) for the purposes stated in the requisition or any one or more of them, and, if they approve thereof, shall define the boundaries of such special district and specify which of the provisions of the Burgh Police (Scotland) Act, 1892, referred to in the preceding sub-section are to be adopted therein. Such resolution shall be final, subject to the provisions of sub-section three of this section, and in the event of the district committee or county council, as the case may be, disapproving of the formation of a special district as proposed in a requisition, it shall not be competent to make another requisition to the same effect until after the expiration of twelve months. A copy of every such resolution shall be forthwith published in one or more newspapers circulating in the district and transmitted to the Board and to the county council. 55 & 56 Vict. c. 55.

(3.) Where the proposed special district is co-extensive with or comprises the whole or part of the area of any special drainage or water supply district formed under the Public Health Acts, the consent of the county council shall be required to any resolution approving of the formation of a special district under this section, and in giving or refusing such consent the county council shall take into consideration the whole circumstances of the case, including the amount of the rates levied for the time being under the Public Health Acts and the principal Act within the proposed special district, and the county council may consent to the resolution either with or without modifications.

(4.) On the adoption by a district committee or county council, as the case may be, of any of the provisions above mentioned, such provisions shall have effect within or in relation to the special district, subject to the provisions of the Fourth Schedule to this Act annexed.

(5.) The area of a special district formed under this section may be enlarged or altered, and two or more special districts may be combined, from time to time, by resolution of the district committee or county council, as the case may be, in terms of this section, with or without a requisition.

(6.) Any expenditure attending the formation of a special district, or the carrying out within such special district of the purposes of this section or of any of them, shall be paid out of an assessment to be imposed by the county council within the special district, to be called the special district rate, and levied along with and as an addition to and in excess of the public health rate, and with the same remedies and modes of recovery: Provided that such special district rate shall not exceed ninepence in the pound on the annual value of the lands and heritages within the special district as ascertained for the purposes of the Poor Law (Scotland) Act, 1845, and a county council may borrow for such of the said purposes as 8 & 9 Vict. c. 83.

the Secretary for Scotland may by order prescribe on the security of such special district rate.

(7.) The total amount required to be raised (so far as within a county) by a public health rate (including any special district rate) may be certified by the county council to the parish council, and may be collected by the parish collector along with the poor rate of the parish. The amount collected in such case shall be paid over to the county council without any deductions, but the expense of collection (including the reasonable remuneration of the collector) shall be a debt from the county council to the parish council.

(8.) Where a special district has been formed under this section, the district committee or the county council, as the case may be, may, subject to regulations to be from time to time made with the consent of the county council, appoint annually a sub-committee for carrying out the purposes for which such special district has been formed, and such sub-committees shall in whole or in part consist of parish councillors of the parish or parishes in which the special district is situated, whether members of the district committee or not.

(9.) From and after the first election in a county of parish councillors, sub-section one of section eighty-one of the principal Act shall be read as if for the words "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," there were substituted the words "shall in "whole or in part consist of parish councillors of the parish or "parishes in which the special district is situated, whether "members of the district committee or not," and the number of a sub-committee appointed under the said section may, failing agreement between a district committee or county council and a town council or the commissioners of a police burgh, be determined by the Secretary for Scotland.

(10.) Upon the formation of a special lighting district under the provisions of this section it shall be lawful for the district committee to adopt the Burghs Gas Supply (Scotland) Act, 1876, and any Act amending the same, but in such case the provisions of the principal Act with respect to capital, expenditure, borrowing, and audit of accounts shall apply in lieu of the corresponding provisions of the former Acts or of this section; and in the application of the former Acts the expression "burgh" shall be construed to mean special lighting district, "commissioners" "town council" and "commissioners of police" to mean district committee, and "elector" and "ratepayer" to mean a person registered as a county elector the subject of whose qualification is situated within the special lighting district.

39 & 40 Vict. c. 49.

Valuation roll to show special districts. 20 & 21 Vict. c. 72.

45.—(1.) The assessor of a county in making up the valuation roll of the county shall distinguish in the valuation roll lands and heritages situated within the boundaries of each police burgh, each police district formed under section fifty-eight of the Police Act, 1857, each special water supply and special drainage district, each

special district formed under section forty-four of this Act, and any part of a parish for which a landward committee is constituted in terms of this Act.

(2.) The provisions of section five of the Valuation of Lands (Scotland) Amendment Act, 1867, as extended by the Valuation of Lands (Scotland) Amendment Act, 1887, with regard to separate valuations of portions of railways, waterworks, gasworks, and other undertakings included within the limits of burghs, towns, or populous places, shall extend to counties outwith the boundaries of police burghs in like manner as if they were herein re-enacted with the substitution of the expression "county clerk" for "town clerk, or "clerk of the commissioners, or trustees of police," and of "police "district formed under section fifty-eight of the Police Act, 1857, "special water supply district, special drainage district, special "district formed under section forty-four of the Local Government "(Scotland) Act, 1894, and any part of a parish for which a "landward committee is constituted in terms of the said Act," for "burghs, towns, and populous places."

30 & 31 Vict. c. 80. 50 & 51 Vict. c. 51. 20 & 21 Vict. c. 72.

46. An order of the Secretary for Scotland, under section fifty-one of the principal Act, for altering the boundaries of any parish or for uniting several parishes or parts of parishes into one parish by the creation of a new parish or otherwise, or annexing one or more of such parishes or parts of parishes to a larger parish, or for dividing any parish or for uniting any subdivision of a parish with any other parish, shall have effect for all purposes whether county council, justice, sheriff, militia, parochial board, parish council, school board, local authority, or other, save as herein-after provided. Before making any such order, the Secretary for Scotland shall consult with the authorities concerned, and, upon the application of any one or more of such authorities, shall cause a local inquiry in terms of the principal Act to be held, 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 may, after the expiry of not less than forty days from the date of the publication of the proposed order in the Edinburgh Gazette, finally make the order and cause the same to be forthwith published in the Edinburgh Gazette, and such order shall thereafter have effect as if enacted by Parliament unless or until revoked or modified by subsequent order in terms of this section. In addition to the provisions of the principal Act any such order may be made on the representation of a parochial board or parish council, or the commissioners of a police burgh, or a school board.

Additional powers to alter parish areas.

An order of the Secretary for Scotland under the powers conferred by section fifty-one of the principal Act or this section may, without prejudice to the generality of the aforesaid powers, provide for all or any of the matters specified in sub-section six of section forty-nine of the principal Act.

The words "in the county" occurring in sub-section (*e*) of section fifty-one of the principal Act are hereby repealed, and the

said section shall be read as if for the words "county burgh or parish," occurring in proviso (ii.) thereof, there were substituted the words "county or burgh;" and the words "this Act," in subsection (*g*) of the said section, and in sections ninety-five and ninety-six of the principal Act, shall be construed as meaning "the Local Government (Scotland) Acts."

Current rates.

47.—(1.) Every rate and requisition for sums of money made before the fifteenth day of May in the year one thousand eight hundred and ninety-five, may be levied and collected, and proceedings for the enforcement thereof may be taken in like manner, as nearly as may be, as if this Act had not passed.

(2.) The accounts of all moneys received or expended before the fifteenth day of May in the year one thousand eight hundred and ninety-five, shall be audited and other consequential proceedings taken 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 moneys received or expended 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 if this Act had not passed.

Transfer of property.

48.—(1.) 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 a parish council shall, from and after such transference, pass to, and vest in, and be held in trust for, such parish council, subject to all debts and liabilities affecting the same, and shall be held by the parish 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 between any such authority and a parish council as to the heritable or movable property transferred by or in pursuance of this Act, the same, failing agreement, shall be determined by the Board.

(2.) The parish council shall have full power to manage, alter, and enlarge, and, with the consent of the Board, to alienate lands and heritages transferred by this section, and may from time to time provide such accommodation and rooms, and such furniture, books, and other things as they may reasonably require for the transaction of their business.

Transfer of debts and liabilities.

49. All debts and liabilities of any authority, whose powers and duties are transferred by or in pursuance of this Act to a parish council, shall become debts and liabilities of such council, and shall, from and after such transfer and 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.

Existing officers and servants.

50. All persons who on the fifteenth day of May in the year one thousand eight hundred and ninety-five hold office as inspector of the poor of the parish or collector of poor rates, or are officers of a parochial board, under any Acts of Parliament, or are servants

of such board and perform any duties in respect of the business transferred by, or in pursuance of, this Act to a parish council, shall thereafter become the officers and servants of the parish council.

Tenure and duties of officers transferred to parish council.

51.—(1.) The officers and servants of any authority who hold office at the passing of this Act, and who by or in pursuance of this Act become officers and servants of a parish 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: Provided that any re-arrangement of the duties and remuneration of existing medical officers, holding office under the Poor Law (Scotland) Act, 1845, shall be subject to the approval of the Board.

8 & 9 Vict. c. 83.

(2.) Subject to any general regulations of the Board, a parish council may distribute the business to be performed by existing officers and may combine their duties in such manner as the council may think expedient, and every existing officer shall perform such duties in relation to such business as may be directed by the council: Provided that if any existing inspector of poor is aggrieved by such distribution of business, or by the imposition or withdrawal of any duties, he may, within one month after the date of any resolution of the council distributing such business or imposing or withdrawing such duties, appeal to the Board, whose decision shall be final.

(3.) Any parish councils, or parish councils and county councils or district committees or town councils or burgh commissioners, may, from time to time, join in making such arrangements with regard to the conduct and management of their business, including the collection of rates, whether leviable by a parish council, or by a county council, or town council, or burgh commissioners, and the distribution of such business among their officers, as shall seem to them, in the whole circumstances of the case, to be most effective and economical.

Saving for pending actions, &c.

52.—(1.) If at the time of the transfer, 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 parish council, the same shall not be in anywise prejudicially affected by reason of such transfer, but may be continued, prosecuted, and enforced by or against the parish council, as successors of such authority, in like manner as if such transfer had not taken place.

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

Saving for securities in discharge of debts.

53. Nothing done in pursuance of this Act shall prejudicially affect any securities granted, before the time of the transfer, on the credit of any rate or property by this Act transferred to a parish council, and all such securities, as well as all unsecured debts, liabilities, or obligations lawfully incurred by any authority, body, or person, in the exercise of any power or in relation to any property transferred from them to the parish council under this Act, shall be discharged, paid, and satisfied by the parish council.

Definitions.

54. Expressions used in this Act have the same meaning, if not inconsistent with the context, as expressions used in the principal Act: Provided that, if not inconsistent with the context—

53 & 54 Vict. c. 60. 54 & 55 Vict. c. 32. 55 & 56 Vict. c. 51. 55 & 56 Vict. c. 55.

The expression "police burgh" in the Local Government (Scotland) Acts, the Local Taxation (Customs and Excise) Act, 1890, the Roads and Streets in Police Burghs (Scotland) Act, 1891, and the Education and Local Taxation Account (Scotland) Act, 1892, has the meaning assigned to it in the Burgh Police (Scotland) Act, 1892:

The expression "municipal register" includes the register of voters for the election in a police burgh of burgh commissioners:

The expressions "municipal election," "municipal electors," and "municipal wards" include the election of burgh commissioners in a police burgh, the voters at, and the wards constituted for, such election respectively:

The expression "town clerk" includes the clerk to the burgh commissioners of a police burgh:

The expression "secretary" includes assistant secretary:

The expression "parish" means a parish quoad civilia which is at the passing of this Act or may hereafter be constituted a separate parish for the purposes of settlement and relief of the poor, and includes a combination of parishes within the meaning of section sixteen of the Poor Law (Scotland) Act, 1845:

The expression "burghal parish" means a parish which is wholly comprised within the boundaries of a burgh, and the expression "landward parish" means a parish no part of which is comprised within the boundaries of a burgh:

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:

The expression "burghal part of a parish" means any part of a parish comprised within the boundaries of a burgh, and the expression "landward part of a parish" means any part of a parish not comprised within the boundaries of a burgh:

The expression "Public Health Acts" means the Public Health (Scotland) Act, 1867, and any Act or Acts amending the same:

The expression "Education Acts" means the Education (Scotland) Act, 1872, and any Act or Acts amending the same:

The expression "burgh" means any royal or parliamentary burgh, and shall include the burgh of Coatbridge:

The expression "ecclesiastical charity" includes a charity the endowment whereof is held for some one or more of the following purposes:—

(*a.*) For theological instruction or for the benefit of any theological institution; or

(*b.*) For the benefit of any ecclesiastical person or officer as such; or

(*c.*) For use, if a building, as a church, chapel, mission hall or room, or Sunday school, or otherwise by any particular church or denomination; or

(*d.*) For the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or

(*e.*) Otherwise for the benefit of any particular church or denomination, or of any members thereof as such:

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act.

Repeal.

55. The Acts specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column and as from the dates respectively specified in the fourth column of that schedule, and so much of any Act as is inconsistent with this Act is also hereby repealed.

PART VII.

TRANSITORY PROVISIONS.

Transitory provisions for first election.

56. With respect to the first election of parish councillors, the following provisions shall have effect; that is to say,—

(1.) The first election of parish councillors shall take place in every parish on the first Tuesday of April in the year one thousand eight hundred and ninety-five. The parish councillors then elected shall enter office on the fifteenth day of May following such election, and shall go out of office, in burghal parishes and in parishes wholly comprised within a police burgh or within a burgh and a police burgh, on the first Tuesday of November, and in all other parishes on the first Tuesday of December, both in the year one thousand eight hundred and ninety-eight.

(2.) Before the first election of parish councillors, and not later than the twenty-eighth day of February in the year one thousand eight hundred and ninety-five, a list of persons qualified to be parish electors shall be prepared, revised, and completed for each county (exclusive of any police burgh, or part thereof,) and the provisions of the Local Government

(Scotland) Acts respecting a county council register shall apply to such list, subject to such alterations of dates and such other necessary modifications as may be prescribed by the Secretary for Scotland in any general order under his hand and seal. Such list, when completed, shall be deemed to be the county council register for the time being within the meaning of sub-section eight of section twelve of this Act.

(3.) The provisions of sub-sections two and three of section twelve of this Act shall not apply to a municipal register or to the register of voters for the election in a police burgh of burgh commissioners coming into force in the month of November, in the year one thousand eight hundred and ninety-four, unless so applied by order under the seal of the town council, or in a police burgh of the burgh commissioners: Provided that before the first election of parish councillors and not later than the twenty-eighth day of February in the year one thousand eight hundred and ninety-five a list of persons qualified to be parish electors shall be prepared, revised, and completed for each burgh and police burgh, and the provisions of this Act respecting a municipal register or the register of voters for the election in a police burgh of burgh commissioners shall apply to such list subject to such alterations of dates and such other necessary modifications as shall be prescribed by the Secretary for Scotland in any general order under his hand and seal. Such list when completed shall be deemed to be the municipal register of the burgh, or register of voters for the election in the police burgh of burgh commissioners, for the time being, within the meaning of sub-section eight of section twelve of this Act.

Provided that nothing contained in this or the immediately preceding sub-section shall affect the date at which any parliamentary or municipal register of voters, or register of voters for the election in a police burgh of burgh commissioners, is fixed to come into operation.

(4.) In a landward parish and in the landward part of a parish partly landward and partly burghal, except within any parish or part of a parish co-extensive with a police burgh or part thereof, the provisions of section fourteen (excepting sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the county council at their general meeting in the month of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of county councillors.

(5.) In a burghal parish and in the burghal part of a parish partly landward and partly burghal, and in any parish or part of a parish co-extensive with a police burgh or part thereof,

the provisions of section fifteen (excepting sub-sections one and three) of this Act shall apply to the first election of parish councillors, and the returning officer shall be appointed by the town council, or in a police burgh by the burgh commissioners, not later than the thirty-first day of December in the year one thousand eight hundred and ninety-four, and the election shall be held in the parish wards (if any) fixed by or under the provisions of this Act as nearly as may be in the same manner as an election of town councillors, or, in a police burgh, of burgh commissioners.

(6.) The expenditure incurred in the registration of parish electors shall be deemed to form part of the expenditure incurred in the election of parish councillors.

(7.) The members of a parish council first elected under this Act shall, on the second Thursday of April, meet as a provisional parish council, with power to arrange for bringing this Act into operation, and the provisional parish council shall, at that or a subsequent meeting, make provision for the performance of the duties of such parish council until the first meeting of such council; and the first meeting of the parish council shall be held on such day not later than the twenty-second day of May as shall be fixed by the provisional parish council, and such meeting shall be deemed to be the statutory meeting of the parish council for the year one thousand eight hundred and ninety-five, and shall be summoned by the inspector of poor in the manner provided by sub-section two of section seventeen of this Act.

(8.) The parochial boards holding office at the commencement of this Act, shall, notwithstanding any provision to the contrary, retain office until the fifteenth day of May in the year one thousand eight hundred and ninety-five.

SCHEDULES.

SCHEDULE I.

ENACTMENTS REPEALED. Section 55.

1. Session and Chapter.	2. Short Title.	3. Extent of Repeal.	4. Date from which Repeal takes effect.
25 & 26 Vict. c. clvii.	Glasgow Barony Parochial Board Act, 1862.	The whole Act.	The commencement of this Act.

1. Session and Chapter.	2. Short Title.	3. Extent of Repeal.	4. Date from which Repeal takes effect.
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	Section one hundred and five so far as it relates to the definition of the expression "police burgh."	The commencement of this Act.
53 & 54 Vict. c. 60.	Local Taxation (Customs and Excise) Act, 1890.	Section six so far as it relates to the definition of the expression "police burgh."	
54 & 55 Vict. c. 32.	Roads and Streets in Police Burghs (Scotland) Act, 1891.	Section seven so far as it relates to the definition of the expression "police burgh."	
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	Section twenty-eight, sub-section (2), (i), the words "who is not married, or "who being married is not "living in family with "her husband."	
44 & 45 Vict. c. 13.	Municipal Elections Amendment (Scotland) Act, 1881.	Section two, the words "who "are not married, and "married females not "living in family with "their husbands."	
8 & 9 Vict. c. 83.	Poor Law (Scotland) Act, 1845.	Section two. Section three. Section four, except so far as it relates to the Secretary. Section five, except from "the Board shall have" to the end. Section six. Section seven. Section eight to "proper "and." Section eleven so far as it requires the consent of a Secretary of State, or Her Majesty's Advocate, to the appointment and the remuneration of a Commissioner or Commissioners.	The date of the establishment of the Local Government Board for Scotland.
30 & 31 Vict. c. 101.	Public Health (Scotland) Act, 1867.	Sections nine, ten, and eleven, so far as they require the consent of a Secretary of State or Her Majesty's Advocate to any inquiry or the appointment of a Commissioner. Section fifteen.	

1. Session and Chapter.	2. Short Title.	3. Extent of Repeal.	4. Date from which Repeal takes effect.
8 & 9 Vict. c. 83.	Poor Law (Scotland) Act, 1845.	Section seventeen, from "and "until it shall" to the end. Sections eighteen to twenty-nine, both inclusive. Section thirty, from "and it "shall also be lawful" to the end. Section thirty-one. Section thirty-three, from "or "for the parochial board" to "entitled to attend." Section thirty-eight, the words "or means and "substance." Sections forty-seven and forty-eight.	The fifteenth day of May in the year one thousand eight hundred and ninety-five.
55 & 56 Vict. c. 54.	The Allotments (Scotland) Act, 1892.	Section nine.	
50 & 51 Vict. c. 42.	Public Libraries Consolidation (Scotland) Act, 1887.	Section nine so far as it relates to the audit of the accounts of a parochial board.	

SCHEDULE II.

Section 17.

We, *A.B.* [*here insert name and place of abode as in the parish council register for the parish*], and *C.D.* [*here insert name and place of abode as aforesaid*], hereby propose and nominate *E.F.* [*here insert name and place of abode as aforesaid*] for election as a parish councillor [*when the parish is divided into wards, add here* "for the ward," *specifying such ward*] at the next ensuing parish council election in the parish of [*specify parish*].

Given under our hand this [*insert date*].

A.B. _____

C.D. _____

to be signed also by—

× Candidate.

or by—

× A person duly authorised.

Returning Officer.

Section 17.

SCHEDULE III.

The intimation or nomination of *E.F.* [*here insert name and place of abode of candidate as in the parish council register for the parish*] for election as a parish councillor [*when the parish is divided into wards, add here* " for the ward," *specifying such ward*] at the next ensuing parish council election in the parish of [*specify parish*] is hereby withdrawn.

Given under my hand this [*insert date*].

to be signed by—
× Candidate.
or by—
× A person duly authorised.

To _____
Returning Officer.

Section 44.

SCHEDULE IV.

(1.) Expressions occurring in the adoptive sections of the Burgh Police (Scotland) Act, 1892, shall in such sections as adopted, when not inconsistent with the context, have the meanings assigned to them respectively in that Act as read along with this schedule: Provided that any reference to the burgh surveyor or to the private improvement assessment shall be excluded.

(2.) In place of the expressions occurring in the said sections specified in the first column of the list appended hereto, there shall be substituted in such sections as adopted the expressions respectively specified in the second column thereof.

(3.) The consent of the Board shall be required to any byelaw made by a district committee or by a county council in terms of the said sections as adopted.

(4.) Section ninety-four of the principal Act shall apply to any offence against the provisions of the said sections as adopted or any byelaw made thereunder, with the substitution (except where a county is not divided into districts) of the expression " district clerk " for the expression " county clerk " occurring therein.

List.

Commissioners	District committee.
Burgh	Special district.
Footpavement	Footway.
This Act	The adopted section or sections of the Burgh Police (Scotland) Act, 1892.
Inspector of cleansing	Sanitary inspector.
Magistrate	Sheriff or any two justices of the peace.
Burgh general assessment	Assessment levied in terms of section forty-four of the Local Government (Scotland) Act, 1894.
By special order as herein defined	With consent of the county council.