"The Act of 1900" means the Housing of the Working Classes Act, 1900; 63 & 64 Vict. c. 59.

"The Act of 1903" means the Housing of the Working Classes Act, 1903; 3 Edw. 7. c. 39.

The expression "owner" has the same meaning as in the Public Health (Ireland) Act, 1878;

The expression "working classes" shall include mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

The expression "the fund of suitors in the Supreme Court" and "the Lord Chancellor" shall have the same meanings respectively as they have in the Four Courts Library Act, 1894. 57 & 58 Vict. c. 4.

17. This Act shall come into operation on the passing hereof. Commencement of Act.

18. This Act shall extend to Ireland only. Extent of Act.

CHAPTER 62.

An Act to amend the Law relating to County Government, and to Roads and Bridges and the use of Locomotives thereon, in Scotland. [21st December 1908.]

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

1. This Act may be cited as the Local Government (Scotland) Act, 1908, and this Act and the Local Government (Scotland) Act, 1889 (herein-after called the principal Act), the Local Government (Scotland) Act, 1894, and the Local Government (Scotland) Act, 1894, Amendment Act, 1895, may be cited together as the Local Government (Scotland) Acts, 1889 to 1908. Short title. 52 & 53 Vict. c. 50. 57 & 58 Vict. c. 58. 58 Vict. c. 1.

2. This Act shall extend to Scotland only. Extent of Act.

3.—(1) A county council may, with the consent of the Secretary for Scotland, and subject to the provisions of the principal Act and this Act or any local Act with regard to capital expenditure,— Power to provide county buildings and dwellings.

(*a*) Construct, reconstruct, or extend county buildings, and provide, erect, alter, enlarge, and maintain such additional county buildings as may from time to time

be necessary; and the expression "county buildings" shall for the purposes of this section mean any building (whether together or in different places, and whether in conjunction or not with court-houses under the Sheriff Court-Houses (Scotland) Acts, 1860 to 1884, or with court-houses under any local Act) for the transaction of the business of the county council, or of quarter sessions, justices of the peace, or any licensing court or court of appeal for which a county council is liable to provide accommodation under the Licensing (Scotland) Act, 1903;

8 Edw. 7. c. 25.

(b) On the application of a district committee, provide, erect, alter, enlarge, and maintain buildings for the transaction of the business of such committee; and

(c) Provide, erect, alter, enlarge, and maintain dwellings for constables (within the meaning of the Police (Scotland) Act, 1890) of the county police force, and for road workmen employed in the administration of the Roads and Bridges (Scotland) Act, 1878: but subject always to the condition that no dwellings shall be provided for constables except on the requisition of the police committee, or for road workmen except on the requisition of the district committee or committees employing such workmen subject to the approval of the county road board, and in a county which is not divided into districts on the requisition of the county road board.

53 & 54 Vict. c. 67.

41 & 42 Vict. c. 61.

(2) A county council may, with the consent of the Secretary for Scotland, excamb or alienate any buildings, lands, or heritages provided by or vested in the county council.

(3) The expenditure incurred by a county council in constructing, reconstructing, and extending county buildings, and in providing, erecting, altering, enlarging, and maintaining county buildings under this section, and in providing or acquiring land for county buildings, shall be allocated by the county council, so far as such buildings are appropriated to the use of the police committee, to the police assessment leviable within the county or any separate police district or districts thereof, and so far as not so allocated shall, subject as herein-after provided, be defrayed out of the county general assessment or (either in whole or in part) out of such other assessment or assessments as may be fixed by the sheriff on appeal in terms of this section.

(4) The expenditure incurred by a county council in providing, erecting, enlarging, altering, and maintaining buildings for the transaction of the business of a district committee, and in providing, erecting, altering, enlarging, and maintaining dwellings under this section, and in providing or acquiring land for the said purposes, shall be allocated by the county council to the appropriate assessment or assessments leviable in the county or a district or districts thereof, having regard to

the purpose of the expenditure in each case, and shall be defrayed out of the same respectively, as the case may be.

(5) Notwithstanding anything herein-before contained expenditure incurred under this section for police purposes shall not be charged against a burgh or police burgh which maintains a separate police force, and expenditure incurred under this section in connection with buildings for the transaction of the business of a district committee or dwellings for road workmen shall not be charged against a police burgh which has the management and control of the highways therein.

(6) The town council of any burgh or police burgh may, if dissatisfied with any allocation of expenditure under this section, or if they consider that the whole or part of such expenditure, so far as proposed to be charged against the burgh or police burgh, should not be so charged, but should in whole or in part be defrayed out of an assessment not leviable on or within the burgh or police burgh respectively, appeal to the sheriff (not being a sheriff substitute), and the sheriff's decision shall be final.

(7) Nothing in this section contained shall affect or derogate from the provisions of the Sheriff Court-Houses (Scotland) Acts, 1860 to 1884, or any local Act relating to court-houses, or apply to any buildings belonging in part to a town council, or which a town council has the right to use, without the consent of the town council.

Additional borrowing powers of county council.

4. A county council may from time to time, subject to the provisions of section sixty-seven of the principal Act, borrow such sums as may be required for any capital works undertaken in pursuance of the immediately preceding section.

Powers for acquisition of land by county council.

5.—(1) A county council may, from time to time, for the purposes of any of the powers and duties transferred to or conferred on them by the principal Act or this Act, including powers and duties which are to be exercised by or through the police committee or the county road board, acquire, purchase, or take on lease any land.

(2) For the purpose of the acquisition of land by a county council under the principal Act or this Act, the Lands Clauses Acts shall be incorporated with the said Acts, except the provisions of these Acts relating to the purchase and taking of land otherwise than by agreement.

(3) With respect to the purchase and taking of land otherwise than by agreement by a county council under the principal Act or this Act, section one hundred and forty-five of the Public Health (Scotland) Act, 1897, shall (excepting subsection (10) thereof) apply as if it were herein re-enacted and in terms made applicable to a county council.

60 & 61 Vict. c. 38.

Re-adjustment of valuation boundaries.

6.—(1) The words "or the limits within which the valuation "roll for a county or burgh is made up as at the passing of this "Act, or the right of assessing for the cost of making up such "valuation roll or the register of parliamentary voters for any

" county or division or burgh," occurring in section ninety-five of the principal Act are hereby repealed.

(2) Where the effect of an Order of the Boundary Commissioners for Scotland appointed under the principal Act, or of any Act to confirm an Order of the said Commissioners, or of an Order of the Secretary for Scotland under section fifty-one of the principal Act, is to transfer part of a county to another county the lands and heritages so transferred shall, in the year beginning the fifteenth day of May next after the passing of this Act and in subsequent years, be omitted from the valuation roll of the county from which they are transferred, and shall for all the purposes of the Valuation Acts, and for all assessments (including the county registration assessment), be deemed to be within the county to which they are transferred, provided that so long as it is necessary that the lands and heritages so transferred from one county (herein referred to as the first-named county) to another county (herein referred to as the latter county) shall remain within the first-named county for the purposes of the Acts in force for the time being relating to the registration of parliamentary voters:—

(*a*) The assessor of the latter county shall, with a view to the registration of parliamentary voters within the area transferred, give to the assessor of the first-named county a list of the qualified voters within such area, and, if necessary, access to and use within the office of the assessor of the latter county of all books and schedules necessary to enable him to complete his list of county voters, and shall from time to time, not later than the tenth day of September in each year, transmit to the assessor of the first-named county a certified copy of so much of the valuation roll of the latter county as relates to the lands and heritages transferred; and

(*b*) The county council of the latter county shall, in respect of the local financial year beginning the fifteenth day of May next after the passing of this Act, and annually thereafter, pay to the county council of the first-named county such proportion of the expenses payable by the county council of the first-named county for the registration of parliamentary voters within the parliamentary division in which the area transferred is situated as the number of such voters registered yearly in the area transferred shall bear to the total number of parliamentary voters registered yearly in such parliamentary division, and such payment shall be added to the expense of making up the parliamentary register of the latter county, and shall be defrayed and provided for as if it were part thereof.

(3) Where the boundaries for police purposes of a parliamentary burgh differ from the boundaries thereof for parliamentary purposes, the boundaries for the time being of the said parliamentary burgh for police purposes shall from and after the

fifteenth day of May next after the passing of this Act, be also the boundaries thereof under and for the purposes of the Valuation Acts; and, with respect to any area affected by this enactment, paragraphs (*a*) and (*b*) of the immediately preceding subsection shall apply with the necessary substitutions. If any question shall arise as to the application of this subsection in the case of any parliamentary burgh, such question shall be referred to the Secretary for Scotland, whose determination shall be final. Provided that, for the purposes of this subsection, the police burgh of Maxwelltown shall be held not to form part of the parliamentary burgh of Dumfries.

(4) The provisions of this section shall not affect any proceedings taken in pursuance of any valuation roll made up in terms of the Valuation Acts for the year ending the fifteenth day of May next after the passing of this Act.

Provisions as to valuation appeal courts. 17 & 18 Vict. c. 91. 30 & 31 Vict. c. 80. 42 & 43 Vict. c. 42.

7.—(1) Section eight of the Lands Valuation (Scotland) Act, 1854, shall be amended by the substitution of the word "nineteenth" for the word "fifteenth" occurring therein.

(2) Section eight of the Valuation of Lands (Scotland) Amendment Act, 1867, and section seven of the Valuation of Lands (Scotland) Amendment Act, 1879, shall be read and construed as if such sections respectively provided for the nomination of three instead of two judges in the Court of Session.

Fire engines, &c. may be provided by county council.

8.—(1) The county council may purchase or provide, for use in the whole county or in any one or more districts or special districts thereof, such engines (whether mechanically propelled or other) for extinguishing fire, and such water buckets, pipes, and other appurtenances for such engines, and such fire-escapes and other implements, vehicles (whether mechanically propelled or other), or articles, for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines, and may arrange for such telegraphic or telephonic connections, as they think fit, and may build, provide, or hire places for keeping such engines and horses with their appurtenances, and may insert fireplugs, and may employ a proper number of persons to act as firemen, and may appoint a firemaster or firemasters (who shall be superintendent or superintendents of the fire brigade or fire brigades), any or all of which persons may, with the consent of the police committee, be members of the police force, and may make such rules for their regulation as they think proper, and pay to such firemaster or firemasters and firemen such salaries and such rewards for their exertions in cases of fire as they think fit.

(2) Two or more county councils may combine for all or any of the purposes of the immediately preceding subsection, and without prejudice to the provisions of section two hundred and ninety-eight of the Burgh Police (Scotland) Act, 1892, a county council may enter into an agreement with the town council of any burgh or police burgh or with any other county council for making the fire engines belonging to such county or town council, with their appurtenances, regularly available for use

55 & 56 Vict. c. 55.

within the county or any district or special district thereof, or burgh or police burgh, on such terms and subject to such conditions as shall be specified in the agreement.

(3) Any expenditure incurred in carrying out the purposes of this section or any of them shall be apportioned to and paid out of the public health general assessment leviable within the county or (where the county is divided into districts) within any district thereof or within any special district thereof in which such fire brigades are made available, or in the case of a special district out of any special district assessment leviable therein, and that in such proportions as the county council may direct. The county council may borrow for such of the purposes of this section as the Secretary for Scotland may by order prescribe on the security of the assessment or assessments aforesaid.

(4) The said engines and their appurtenances may be used, and the firemen may be employed, beyond the boundaries of the county or a district or special district thereof, for extinguishing fires in the neighbourhood of the said county or district; and the owner or, if the county council or combination think fit, the occupier of the premises in which such fire shall have occurred shall in such case (unless the premises are situated in a county or district within which the engines and their appurtenances are regularly available for use under an agreement as by this section authorised) defray the expenses attending such fire, and shall also pay to the county council a reasonable charge for the use of such engines and their appurtenances and for the attendance of the firemen.

(5) In case of any difference between the county council and any owner or occupier, the amount payable as aforesaid shall be determined summarily by the sheriff, whose decision shall be final.

(6) The firemaster shall (where necessary for the purposes of this section) make up and deliver to the county council a statement of the expenses attending a fire, which shall include the wages payable to the firemen and other persons employed at it, the rewards, if any, which he recommends to be given to them, and the outlay incurred in taking them and the engines to the place where such fire occurred, and in obtaining a supply of water and other like expenses; and such statement, in so far as approved of or modified by the county council, shall be prima facie evidence of the amount of expenses attending such fire.

(7) For the purposes of this section, a county council or combination shall have the same powers and duties as those assigned to town commissioners within the meaning of the Waterworks Clauses Act, 1847.

10 & 11 Vict. c. 17.

(8) The county council may, through their employees, for the purpose of extinguishing or preventing the spread of fire, take and use any convenient or suitable supply of water, but shall be liable to pay compensation to any person who shall suffer loss thereby and to make payment to the local authority or other person entitled thereto for the water used.

(9) A telegraphic or telephonic connection under this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act, 1869. 32 & 33 Vict. c. 73.

Procedure in election and meetings of county council. 57 & 58 Vict. c. 58.

9.—(1) Subsection (1) of section sixteen of the Local Government (Scotland) Act, 1894, shall be read as if for the words "third" and "second" occurring therein there were substituted the words "fourth" and "third" respectively, and subsection (3) thereof shall be read as if the word "second" were inserted before the word "Tuesday" occurring therein, and as if the word "immediately" were omitted.

(2) The annual general meeting of the county council appointed by the principal Act to be held on the third Tuesday of December shall be held either on that day or, if the county council determine another day in the month of December, on the day so determined; and in such case any reference in the principal or any other Act to the general meeting, or to a meeting of justices of the peace, on the third Tuesday of December shall be construed as a reference to the general meeting or to a meeting of justices of the peace on the day so determined.

Application to counties of provisions of Burgh Police (Scotland) Act, 1892. 52 & 53 Vict. c. 50. 55 & 56 Vict. c. 55.

10. Without prejudice to the provisions of section fifty-seven of the principal Act, or to any byelaws made thereunder—

(1) The provisions of sections four hundred and eight, four hundred and ten, four hundred and eleven, four hundred and nineteen to four hundred and twenty-five inclusive, and four hundred and thirty of the Burgh Police (Scotland) Act, 1892, shall extend and apply to counties outwith police burghs:

(2) A county council may at a meeting called after due notice by resolution adopt, within any special lighting, scavenging, drainage, or water district, formed under the Local Government (Scotland) Act, 1894, or the Public Health (Scotland) Act, 1897, sections one hundred and forty-four, one hundred and forty-five, one hundred and fifty-eight, and one hundred and ninety-one to two hundred (as amended by the Burgh Police (Scotland) Act, 1903) inclusive, of the Burgh Police (Scotland) Act, 1892, or any one or more of such sections, and after a date to be specified in the resolution the adopted section or sections shall have effect in such district in like manner respectively as if they were herein re-enacted, provided that, where a county is divided into districts, such resolution shall not be competent except upon the requisition of a district committee: 60 & 61 Vict. c. 38. 3 Edw. 7. c. 33.

(3) Provided that in such sections as applied or adopted in terms of this section there shall be substituted the expression "county" for "burgh," and "sheriff or any two or more justices of the peace," for "magistrate," and "road" for "street," and "county council" for

"commissioners," and "county or district sanitary inspector" for "surveyor" or "surveyor of the commissioners" and "county clerk" for "clerk," and "procurator fiscal" for "burgh prosecutor," and "special district rate" for "burgh general assessment" or "general improvement rate" occurring therein respectively.

Regulation of piers and ferries by county council. 2 & 58 Vict. c. 50.

11.—(1) In order to remove doubts which have arisen as to the regulation of piers and ferries, it is hereby provided that section sixteen of the principal Act shall be read and construed as if it had transferred to the county council the powers and duties in regard to piers and ferries or accesses thereto within the county, belonging to and exercised by road trustees under their local Acts before the commencement of the said Act.

(2) The administrative powers and duties of the justices of the peace of the county in general or special or quarter sessions assembled in respect of ferries and accesses thereto shall so far as exerciseable within a county be transferred to and vested in the county council.

(3) As soon as may be after the passing of this Act and from time to time thereafter, every county council shall make up and publish a list of the ferries within their jurisdiction and may prepare for any such ferry a schedule of rates or fares exigible for the use thereof, to which as approved in terms of this section the persons owning or working the ferry shall be obliged to conform, subject, in the event of failure so to conform, to a penalty not exceeding five pounds, which the county council are hereby empowered to recover summarily. Such schedule shall not take effect unless and until it has been submitted to and approved by the sheriff after such notice by publication or otherwise as the sheriff may prescribe. Such schedule as approved shall be exhibited at a conspicuous part of each landing stage, or of the shore or bank at each end of such ferry. Where such ferry is partly in one county and partly in another, or partly in a county and partly in a burgh, the provisions of the principal Act respecting a joint committee shall apply for the purposes of this section.

(4) It shall be the duty of the proprietor of a pier or ferry who is not under any obligation to maintain and who intends to discontinue the maintenance of the same to notify the county council in writing of his intention, and, upon such notification, the county council may, if they think fit, and if such pier or ferry appears to them to be of public utility, take over and maintain the same, and levy rates thereat, either themselves or by their lessees, according to a schedule of rates to be prepared and approved as provided in the immediately preceding subsection, and may defray the costs and expenses (if any) of the maintenance of such pier or ferry out of the road rate, and, subject to any agreement as to the use of the pier or ferry by the proprietor, the whole powers, duties, and liabilities of such proprietor in regard to such pier or ferry shall be transferred

to the county council as at the date when it shall be so taken over.

(5) The provisions of this section shall not apply to any pier or ferry vested in or belonging to or worked by any railway company or any river or navigation trustees or other authority or person under any Act of Parliament or Provisional Order confirmed by Act of Parliament, or to any pier or ferry belonging to or under the control of the magistrates and council of any burgh.

(6) Any person who thinks himself aggrieved by any resolution or act of a county council under the powers conferred by this section or the immediately preceding section shall have the like right of appeal, and subject to the like incidents, as a person who thinks himself aggrieved by the act of a town council has under the Burgh Police (Scotland) Acts, 1892 to 1903.

(7) Nothing in this section contained shall authorise any ferry rates or tolls to be demanded or received by a county council for the conveyance of any person when on duty in the service of the Crown or any Government Department, or of any goods for the service or being the property of the Crown or any Government Department, or of any postal packets within the meaning of the Post Office (Protection) Act, 1884. 47 & 48 Vict. c. 76.

(8) Section twenty-eight of the Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this section. 10 & 11 Vict. c. 27.

12. The words "not exceeding the rates specified in the "schedule annexed to the Burgh Harbours (Scotland) Act, 1853," occurring in section two, subsection 4 (*b*), of the Western Highlands and Islands (Scotland) Works Act, 1891, are hereby repealed. Amendment of 54 & 55 Vict. c. 38.

13. A county council may from time to time in terms and subject to the provisions of the principal Act make byelaws for licensing, registering, and regulating all hackney coaches, omnibuses, or carriages of any kind or description adapted for the carriage of persons and plying for hire within the county, and the owners and drivers thereof, as they shall think fit: Provided that no such byelaw shall apply to any hackney coach, omnibus, or carriage duly licensed by a town council: and provided further that the court before which any offence against any such byelaw is prosecuted may suspend or revoke any licence, on the holder of such licence being convicted of such offence, in addition to or in lieu of the penalty applicable to such offence. Licensing of hackney carriages by county councils.

14.—(1) Notification shall be given in the Edinburgh Gazette, and in one or more newspapers circulating in the district, of any requisition or proposal to form, enlarge, limit, or combine a special district under the provisions of subsection (1) of section one hundred and twenty-two or of subsection (1) of section one hundred and thirty-one of the Public Health (Scotland) Act, 1897, or of subsection (1), (2), or (5) of section Procedure as to formation, &c. of special districts in counties. 60 & 61 Vict. c. 38.

57 & 58 Vict. c. 58.

fourty-four of the Local Government (Scotland) Act, 1894, least twenty-one days before the meeting of the local authority

(2) Notification of a resolution of a district committee or t county council, as the case may be, in terms of any of the sa sections shall in addition to the publication required thereby published, along with a notice stating where the full terms the resolution and a map or plan showing the boundaries of t proposed new or altered special district may be inspected, the "Edinburgh Gazette" and for the purposes of an appeal the sheriff the publication in the "Edinburgh Gazette" sha be deemed to be the first publication of the resolution.

(3) A town council of any burgh or police burgh in the nea vicinity of any area proposed to be formed into or include within the boundaries of a special district shall be entitled t appeal to the sheriff (not being a sheriff substitute reside within the district) against the resolution forming, enlarging limiting, or otherwise altering the boundaries of such specia district, provided such town council shall within the tim during which appeal against the resolution is competent i terms of any of the said sections have presented a petition t the sheriff in terms of the Burgh Police (Scotland) Acts to exten the boundaries of the burgh or police burgh so as to include the whole or any part of the area proposed to be formed into, o included within the boundaries of, or taken out of, the specia district.

(4) In any finding or decision which the sheriff may pro nounce in terms of any of the said sections, or of section thirty eight of the Public Health (Scotland) Act, 1897, he may find any of the parties to the appeal liable in such expenses as he may think fit.

The last-mentioned section shall be amended so as to read as if the words "extension, limitation, or combination" were inserted after the word "formation" occurring therein.

57 & 58 Vict. c. 58.

(5) Subsection (5) of section forty-four of the Local Govern ment (Scotland) Act, 1894, shall be amended so as to read a if the words "and any of the provisions of the Burgh Police (Scotland) Act, 1892, above mentioned may be rescinded o adopted therein, and a special district may be dissolved"- were inserted after the word "altered" occurring therein.

Transfer of private hospitals, &c.

15.—(1) Any person holding, whether as trustee or other wise, any hospital or sanatorium for the treatment of infectious disease or house of reception for convalescents from infectious disease, or for persons who have been exposed to infection, may with the sanction of the Local Government Board for Scotland and subject as herein-after provided, and on such terms and conditions as may be agreed, transfer by way of gift, sale, lease, or otherwise, such hospital, sanatorium, or house of recep tion, and any land connected or used therewith, together with any endowments thereof, to any local authority or combination of local authorities constituted in terms of section sixty-six of

the Public Health (Scotland) Act, 1897, who agree to accept such transfer, to be used by them for the purposes of the said section. 60 & 61 Vict. c. 38.

(2) Where any such person is a company or society incorporated under the Companies Acts, 1862 to 1907, a special resolution authorising such transfer shall first be passed.

(3) Where any such person is a company or society incorporated by Royal Charter or special Act of Parliament, a resolution authorising such transfer shall be passed by three-fourths of the members of such company or society present in person or by proxy at a general meeting of such company or society specially convened for that purpose.

(4) In the case of an unincorporated body of trustees or managers the consent of three-fourths of the members at the time being shall first be obtained to such transfer.

Limit of assessment in special districts.

16. Where in any special district formed under section forty-four of the Local Government (Scotland) Act, 1894, the produce of the special district rate therein authorised is not sufficient to meet the expenditure bonâ fide incurred or contemplated within such special district, it shall be lawful for the county council to increase such rate to such extent as may have been approved by the Local Government Board for Scotland.

Amendment of law as to auditors.

17.—(1) The salary and allowances of a county auditor shall in case of dispute be fixed from time to time on the application of either party by the Secretary for Scotland, and his decision shall be final.

(2) The Secretary for Scotland may prescribe rules modifying either generally or as regards any one or more county councils the requirements of subsection (2) of section seventy of the principal Act as to the deposit of the abstract of accounts and other documents therein specified.

(3) Section seventy of the principal Act shall (both as originally enacted and as applied by any subsequent enactment) be modified by the insertion in subsection (5) thereof after the words "the Secretary for Scotland shall decide all questions raised by such interim report, and shall disallow all illegal payments and surcharge the same on the person or persons making them," of the words "or authorising them to be made."

Amendment of law as to altering number of county councillors, &c.

18. The first proviso to section fifty-one of the principal Act, which prescribes the circumstances under which the number of county councillors, and the number, contents, and boundaries of county electoral divisions may be altered, shall no longer have effect.

Power to widen, reconstruct, &c. roads and bridges. 41 & 42 Vict. c. 51.

19. In addition to the powers conferred by the Roads and Bridges (Scotland) Act, 1878, and without prejudice to the provisions of that or any other Act relating to roads and highways in Scotland, a county road board (subject to the approval of the county council) or a joint bridge committee may resolve to divert

any existing road, or to widen, reconstruct, permanently alter, improve, or protect any existing road or bridge, or to construct, maintain, and repair any foot-bridge, within or partly within the county, and the provisions of the said Act of 1878, as read with the principal Act, the Roads and Bridges (Scotland) Amendment Act, 1892, and this Act, relating to the construction of new roads and bridges (including the provisions relating to assessment and borrowing), shall apply, with the necessary variations, to such diversion, widening, reconstruction, permanent alteration, improvement, or protection, and also to the making of footpaths on the side or sides of any highway as authorised by the said Act of 1878.

5 & 56 Vict. c. 12.

Amendment of Acts in Roads and Bridges Act.

20.—(1) A declaration by a county council under section forty-two of the Roads and Bridges (Scotland) Act, 1878, may be lawfully made, and a resolution of a county road board under section fifty-eight of the said Act may be lawfully approved, at any general or special meeting of the county council called by circular sent to every member of the council.

41 & 42 Vict. c. 51.

(2) Section forty-nine of the Roads and Bridges (Scotland) Act, 1878, shall be read as if the words "such day as may be determined by the county council" were substituted for the words "the thirtieth day of March" and "the fifteenth day of April" occurring therein, and as if the words "from the fifteenth "day of May last preceding to the fifteenth day of May next "following" were substituted for the words "from the fifteenth "day of May immediately following to the fifteenth day of May "in the year succeeding"; and section fifty of the said Act shall be read as if the words "such day as may be determined by the county council in each year" were substituted for the words "such day between the fifteenth day of April and the fifteenth day of May in each year, as they may fix."

Improvement, repair, and maintenance of roads in adjoining counties and districts.

21.—(1) A county council may enter into an agreement with the county council of an adjoining county in reference to the expense of the improvement, repair, and maintenance of any road or portion thereof (including any footpath on the side or sides thereof) or any bridge which though situated in the latter county is mainly used for the benefit of the former county, and it shall be competent to impose and levy the assessment for defraying the expense of the improvement, repair, and maintenance of such road or portion thereof or bridge situate in the latter county as part of the roads and bridges assessment leviable in the former county or any district or districts thereof.

(2) District committees of adjoining districts in the same county shall have the like power to enter into agreements as is conferred by the immediately preceding subsection upon county councils of adjoining counties, and the immediately preceding subsection shall apply accordingly with the substitution of "district" for "county," and of "district committee" for "county council."

Repair of sudden damage.

22. In case of any sudden damage to any highway or bridge in a county, it shall be in the power of the road surveyor of the district or county, as the case may be, with the written consent of any two members of the district committee, or, where a county is not divided into districts, of two members of the county council, given upon a report and estimate by such surveyor, and without any further sanction, to repair such damage, provided such estimate shall not exceed the sum of fifty pounds, or such smaller sum as the district committee or the county council may, by resolution, have determined.

Abolition of finality of decisions of road board. 41 & 42 Vict. c. 51.

23. Notwithstanding the provisions of section twenty-seven and section fifty of the Roads and Bridges (Scotland) Act, 1878, the determination or decision of the county road board referred to therein respectively shall not be final, but shall be subject to review by the county council.

Amendment as to proceedings for extraordinary traffic damage. 41 & 42 Vict. c. 51.

24. Section fifty-seven of the Roads and Bridges (Scotland) Act, 1878 (which relates to the recovery of expenses of extraordinary traffic), shall be amended as follows:—

(*a*) Expenses under that section may be recovered, if not exceeding fifty pounds, before the sheriff, whose decision shall be final, and, if exceeding that sum, either before the sheriff, subject to an appeal to the court of session, or in the court of session, and such expenses may, notwithstanding anything in the said Act, be recovered from a county council:

(*b*) Proceedings for the recovery of any expenses incurred after the passing of this Act shall be commenced within twelve months of the time at which the damage has been done; or where the damage is the consequence of any particular building contract or work extending over a long period shall be commenced not later than six months after the completion of the contract or work:

(*c*) There shall be substituted for the words "by whose order" the words "by or in consequence of whose order," and for the words "satisfaction of the sheriff" the words "satisfaction of the court."

Regulations for locomotives on highways.

25.—(1) When a locomotive is passing on any highway—

(*a*) two persons shall be employed in driving or attending to the locomotive; and

(*b*) one of such persons shall when required give assistance to any person with a horse or horses or carriages or other vehicles drawn by a horse or horses meeting or overtaking the locomotive; and

(*c*) when the locomotive is drawing more than three waggons, another person shall be employed for the purpose of attending to the waggons, and such third person shall be seated at or remain near the rear of the last waggon so as to observe and be able to give

assistance to any person with any carriage or vehicle of whatever kind or with a horse or horses or other animals overtaking such last waggon, and shall give such assistance when required.

(2) So long as the fires of a locomotive are alight, or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on any highway although it is stationary.

(3) The lights required to be carried on a locomotive, whether stationary or passing on any highway, shall be carried between the hours of one hour after sunset and one hour before sunrise during the six months beginning the first day of April in any year, and between sunset and sunrise during the six months beginning the first day of October in any year, and there shall be carried in addition during those hours an efficient red light on the rear of the locomotive, or if it is drawing waggons on the rear of the last waggon, fixed in such a manner as to be conspicuous.

(4) Every light carried on a locomotive, or on a waggon drawn by a locomotive, shall be fitted with such shutters or other contrivances as will enable the light to be temporarily screened in an effective manner.

(5) If any of the provisions of this section are not complied with in the case of any locomotive, the owner of the locomotive shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds, but it shall be lawful for such owner, on proving that he has incurred such penalty by reason of the negligence or wilful default of any person in charge of or in attendance on such locomotive, to recover summarily from such person the whole or any part of the penalty he may have incurred as owner.

(6) This section shall be read and construed as if it were contained in the Locomotives Amendment (Scotland) Act, 1878; provided that the expression "waggon" in this section includes any truck, cart, carriage, or other vehicle; and provided further that nothing herein contained shall affect light locomotives or motor cars within the meaning of the Motor Car Acts, 1896 and 1903.

& 42 Vict. c. 81.

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26. The power vested in a county council or in any persons authorised by them under the principal Act as read with section eighty of the Act first and second William the Fourth, chapter forty-three, incorporated with the Roads and Bridges (Scotland) Act, 1878, to search for, dig, and carry away materials, shall be deemed to include power to use, within any pit or quarry which they are lawfully opening or working, steam engines or electrical or other mechanical appliances or apparatus for boring or blasting rock or for breaking rock or road metal, or for draining any such pit or quarry, or for carrying away materials therefrom, and power to store materials therein: Provided that such engines, appliances, or apparatus

& 42 Vict. c. 81.

shall not be used within two hundred yards of any dwelling-house without the consent in writing of the owner and occupier of the said dwelling-house; and provided also that, if a county council use electrical power for working such appliances or apparatus, such electrical power shall be so used as to prevent any interference with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General or with any Government observatories or laboratories. And provided further that, before such engines, appliances, or apparatus are used, or materials are stored, as aforesaid, notice shall be given in the manner set forth in the last-mentioned section to the owner and occupier of the land upon which it is proposed to use such engines, appliances, or apparatus, or to store such materials, to show cause in the manner provided by the said section why such engines, appliances, or apparatus should not be used, or materials stored, and the sheriff, if satisfied upon considerations of amenity or otherwise, that due cause has been shown, may prohibit the use of such engines, appliances, or apparatus, or the storing of such materials, or may make such other order as he shall think fit, and where such engines, appliances, or apparatus are in use, or materials are stored, it shall be competent for the owner or occupier of the land to apply to the sheriff for an order to prohibit the further use of such engines, appliances, or apparatus, or the storing of such materials, and the said sheriff may, upon due cause shown, pronounce such an order.

Fencing of quarries.

27. Where any quarry which, in the opinion of the county council, is dangerous to the public is in open or unenclosed land within fifty yards of a highway or place of public resort dedicated to the public, or to which the public have unrestricted access by right of way or otherwise, and is not separated therefrom by a secure and sufficient fence, the county council, after giving reasonable notice in writing to the proprietor thereof to cause the same to be sufficiently fenced and kept fenced, so as to prevent danger to the public therefrom, may, on his failure so to do, themselves so fence the same, and the expense of such fencing may be recovered in a summary manner from the proprietor of the quarry, and failing such recovery shall be a charge upon the road assessment of the county or a district thereof.

In this section the term "quarry" shall mean and include every pit or opening which is or has been used for the purpose of getting stone, slates, lime, chalk, clay, gravel, sand, or other like material, or for getting water, but shall not include any pit or quarry which, under the Roads and Bridges (Scotland) Act, 1878, or any provision incorporated therewith, the county council are bound to fence off so that the same shall not be dangerous to any person or cattle. 41 & 42 Vict. c. 51.

Jurisdiction for purposes of certain Acts. 59 & 60 Vict. c. 56.

28.—(1) In order to remove doubts as to the application to Scotland of the Wild Birds Protection Act, 1896, it is hereby provided that the expression "county borough" occurring in

that Act means in Scotland a burgh being a county of a city and the expression "borough fund or borough rate" means such rate leviable within the burgh as the town council may appoint.

(2) The powers and duties of any two or more justices of the peace for a county in regard to the execution as local authority of the Acts relating to petroleum are hereby transferred to and shall be exercised by the county council, and all fees payable in respect of the powers and duties so transferred shall be payable to the county council. Section one hundred and twenty of the principal Act which relates to compensation to existing officers shall apply in the case of clerks of the peace affected by this subsection.

Saving for Crown rights.

29. Without prejudice to any existing right of His Majesty, there shall be exempted from the provisions of the principal Act and this Act every building, structure, or work, and all land, vested in or in the occupation of His Majesty, either beneficially or as part of the hereditary revenues of the Crown, or in trust for the public service or for public services; also any land, building, structure, or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Definitions. 2 & 38 Vict. c. 80.

30. This Act shall, so far as consistent with the tenor thereof, be read as one Act with the principal Act, and expressions used in this Act shall have the same meaning, if not inconsistent with the context, as expressions used in the principal Act, provided that the expression "land" includes any right or interest or servitude in or over land or water.

Repeal.

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

Section 31.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. 91.	Land Valuation (Scotland) Act, 1854.	Section thirty-six, from the beginning to the words "such county."
28 & 29 Vict. c. 83.	Locomotives Act, 1865.	Section three, the paragraph numbered "firstly", and the words "between the hours of one hour after sunset and one hour before sunrise."

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 51.	Roads and Bridges (Scotland) Act, 1878.	Section forty-two, the words "at any annual general meeting." Section fifty-seven, the words "in "a summary manner before "the sheriff (whose decision "shall be final)." Section fifty-eight, the words "to "be given at their annual "general meeting."
41 & 42 Vict. c. 58.	Locomotives Amendment (Scotland) Act, 1878.	Section four.
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	Section eight, the words "for the "purposes herein-after men-"tioned and;" and the words in subsection two, "arising under this section." Section fifty-one, the first proviso. Section seventy-three, subsection two, the words "and the annual "general meeting of county "road trustees." Section ninety-five, from the words "or the limit within which" to the end of the section.
55 Vict. c. 12.	Roads and Bridges (Scotland) Amendment Act, 1892.	Section one.
57 & 58 Vict. c. 58.	Local Government (Scotland) Act, 1894.	In subsection (7) of section nineteen, the words "sitting as a district committee."

CHAPTER 63.

An Act to amend the Laws relating to Education in Scotland, and for other purposes connected therewith.

[21st December 1908.]

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

Short title and construction. 1. This Act may be cited as the Education (Scotland) Act, 1908, and this Act and the Education (Scotland) Acts, 1872 to 1893, the Education (Scotland) Act, 1897, the Education (Scotland) Act, 1901, and the Education of Defective Children (Scotland) Act, 1906, shall, so far as consistent with the tenor thereof, be construed together as one Act, and may be cited as the Education (Scotland) Acts, 1872 to 1908.

60 & 61 Vict. c. 62.
1 Edw. 7. c. 2.
6 Edw. 7. c. 5.