CHAPTER cxxvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Oban Burgh. [8th November 1921.]

A.D. 1921.

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

62 & 63 Vict. c. 47.

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

Confirmation of Order in schedule.

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

Short title.

2. This Act may be cited as the Oban Burgh Order Confirmation Act 1921.

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SCHEDULE.

OBAN BURGH.

Provisional Order to repeal the provisions of section 61 *of the Oban Burgh Act* 1881 *with respect to payments to the county council of the county of Argyll for the Lorn District Committee of that county council to increase the public health general assessment to authorise the provost magistrates and councillors of the burgh of Oban to levy dues at the north and south Piers of Oban and for other purposes.*

WHEREAS the provost magistrates and councillors of the burgh of Oban (hereinafter called "the Corporation" and "the Burgh" respectively) are the authority having the control and management of the burgh under the Oban Burgh Act 1881 and the Burgh Police (Scotland) Acts 1892 to 1911 and are the local authority therein under the Public Health (Scotland) Acts 1897 to 1907:

And whereas in pursuance of the provisions of section 61 (Transfer of roads within burgh from Argyllshire Road Trustees to Police Commissioners) of the Oban Burgh Act 1881 the Corporation are required to make an annual payment to the county council of the county of Argyll for the Lorn District Committee of the said county council towards the construction maintenance and repair of roads and bridges in that part of that county under the jurisdiction of that committee:

And whereas owing to the changed conditions of road traffic and to the passing of the Roads Act 1920 and other circumstances it is not equitable that the Corporation should be required to continue making such annual payment and it is expedient that so much of the said section 61 of the Oban Burgh Act 1881 as relates to such payment should be repealed:

And whereas under the Public Health (Scotland) Act 1897 the Corporation are authorised to impose an assessment known as the public health general assessment for the purposes of that Act and Acts amending the same not exceeding one shilling in the pound:

And whereas in consequence of the increase in the expenditure of the Corporation incurred in carrying out the purposes of the said Public Health Act the assessment above referred to is not sufficient to meet such expenditure and to provide adequate security to lenders of money borrowed under that Act and it is expedient that the existing limitation of such assessment should be raised as in this Order provided:

And whereas for the purpose of paying expenditure in connection with streets footways and bridges in the burgh the Corporation have raised the amount thereof by an assessment which is levied as to one-half thereof on occupiers and as to the other half on owners of lands and heritages and doubts have arisen as to the power of the Corporation to levy such assessment in that manner and it is expedient that such doubts should be removed:

And whereas it is expedient that the Corporation should be authorised to levy a toll on all passengers embarking on or disembarking from all vessels using the north and south piers of Oban belonging to the Corporation:

And whereas the Corporation are electric lighting undertakers within the burgh under the Oban Electric Lighting Order 1901 confirmed by the Electric Lighting Orders Confirmation (No. 8) Act 1901 and it is expedient that they should obtain power to supply electrical fittings as in this Order provided:

And whereas it is expedient that the further powers in this Order contained should be conferred upon the Corporation:

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

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

Short title and citations.

1. This Order may be cited as the Oban Burgh Order 1921 This Order and the Oban Burgh Act 1881 may be cited together as the Oban Burgh Acts 1881 and 1921 and this Order and the Oban Piers and Harbour Orders 1862 to 1896 may be cited together as the Oban Piers and Harbour Orders 1862 to 1921.

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Interpretation.

2. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings respectively herein assigned to them namely:—

"The burgh" means the burgh of Oban;

"The Corporation" means the provost magistrates and councillors of the burgh;

"The Act of 1881" means the Oban Burgh Act 1881.

Repeal of certain provisions of Act of 1881.

3. From and after the first day of September one thousand nine hundred and twenty-one the first proviso to section 61 (Transfer of roads within burgh from Argyllshire Road Trustees to Police Commissioners) of the Act of 1881 shall be and is hereby repealed and the interlocutor of the sheriff of Argyllshire dated the fifteenth day of December one thousand eight hundred and eighty-one pronounced under the Act of 1881 is hereby annulled.

Increase of Public Health General Assessment.

4. If the produce of the public health general assessment leviable under the Public Health (Scotland) Act 1897 shall at any time or from time to time be insufficient to meet the expenditure bonâ fide incurred or contemplated it shall be lawful for the Corporation to increase such rate to such extent not exceeding one shilling and sixpence in the pound as may have been approved by the Scottish Board of Health.

Assessment in connection with streets footways and bridges.

5. All expenditure incurred by the Corporation in connection with the streets footways and bridges in the burgh (other than expenditure recoverable as private improvement expenses) shall be defrayed from the assessment which the Corporation are authorised to levy under section 61 of the Act of 1881.

Transfer of parks from Corporation acting under Burgh Police (Scotland) Act 1892.

6.—(1) The parks pleasure grounds and open spaces in the burgh and at Ganavan including the bathing place thereat and the road leading thereto from the burgh purchased or acquired by or belonging to the Corporation acting under the Burgh Police (Scotland) Act 1892 shall be and are hereby vested in the Corporation acting under the Public Parks (Scotland) Act 1878 and all the provisions of such last-mentioned Act shall extend and apply to such parks pleasure grounds open spaces bathing place and road.

(2) The Corporation acting under the Public Parks (Scotland) Act 1878 and Acts amending that Act shall pay to the Corporation acting under the Burgh Police (Scotland) Act 1892 the sum of ten thousand and fifty-seven pounds:

Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the Corporation to the foreshore at Ganavan below high-water mark of ordinary spring tides but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

Borrowing for parks purposes.

7. The Corporation may for the purpose of carrying out the powers conferred upon them by this Order borrow under the powers of the Public Parks (Scotland) Act 1878 the sum of ten thousand and fifty-seven pounds.

Rates on passengers at north and south piers of Oban.

8. Notwithstanding anything contained in section 4 (Rates on passengers not to be levied at the harbour of Oban) of the Pier and Harbour Orders Confirmation Act 1864 or in the Oban Piers Order 1896 the Corporation may demand and receive in respect of any person landing from or embarking in any vessel at the north and south piers of Oban any sum not exceeding twopence.

Exemption from tolls in case of persons in service of Crown &c.

9. Without prejudice to any existing right of His Majesty and save as provided by the Army Act nothing in this Order shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908 If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Electrical fittings.

10.—(1) The Corporation may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lampholders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that

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behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon.

(2) The Corporation shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the contract The Corporation shall not sell any such electrical fittings except through a contractor carrying on his business independently of the Corporation.

(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof :

(4) Provided as follows :—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) The sums properly chargeable and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year :

(C) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

Crown rights.

11. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of Order.

12. All costs charges and expenses of or incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of any moneys in their hands or out of any assessments or rates they are authorised to levy or out of borrowed money and if paid out of borrowed money shall be repaid within five years after the passing of the Act confirming this Order.

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