



CHAPTER iii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Aberdeen Corporation (Administration Finance &c.).

[14th March 1940.]

WHEREAS a Provisional Order relating to Aberdeen Corporation (Administration Finance and other matters) has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is expedient that the said Order should subject to amendment be confirmed by Parliament :

26 Geo. 5. &
1 Edw. 8.
c. 52.

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:—

1. The Provisional Order so made which as amended is set forth in the schedule hereunto annexed is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Aberdeen Corporation (Administration Finance &c.) Order Confirmation Act 1940.

Short title.

SCHEDULE.

ABERDEEN CORPORATION (ADMINISTRATION
FINANCE &c.)

Provisional Order to consolidate with amendments the Acts and Orders of or relating to the corporation of the city and royal burgh of Aberdeen in respect of police fire brigade municipal buildings authorised street improvements and bridge works and lands in connection therewith general administrative provisions finance and the appointment and duties of officers and servants and other matters relating to the local government of the city and to confer further powers upon the Corporation with respect thereto to make further provision for the local government health and improvement of the city and for other purposes.

WHEREAS the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter referred to as "the Corporation" and "the city" respectively) are vested with the municipal administration of the city :

And whereas the Acts and Orders relating to the several matters and things in this Order mentioned are very numerous and many of their provisions have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain additions and amendments into one Order :

And whereas it is expedient at the same time to extend as in this Order provided the powers of the Corporation relating to the matters comprised in those enactments :

And whereas it is expedient to make further and better provision with reference to the local government and improvement of the city and that the powers of

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the Corporation with respect thereto should be enlarged as hereinafter in this Order provided :

And whereas it is expedient that the other provisions in this Order contained should be enacted :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 :

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

PART I.

PRELIMINARY.

1.—(1) This Order may be cited as the Aberdeen Corporation (Administration Finance &c.) Order 1939 and the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936 the Aberdeen Corporation (Water Gas Electricity and Transport) Order 1937 and the Aberdeen Corporation (General Powers) Order 1938 and this Order may be cited together as the Aberdeen City Acts 1936 to 1939.

Short title and commencement of Order.
 26 Geo. 5. & 1 Edw. 8. c. lxxvii.
 1 Edw. 8. & 1 Geo. 6. c. cii.
 2 & 3 Geo. 6. c. iii.

(2) Except as otherwise in this Order expressly provided this Order shall come into operation on the twenty-eighth day of May one thousand nine hundred and forty which date is in this Order referred to as “the commencement of this Order.”

2. This Order is divided into Parts as follows :—

Division of Order into Parts.

Part I.—Preliminary.

Part II.—General administration.

Part III.—Officers and servants.

Part IV.—Police and fire brigade—

A.—Police.

B.—Fire brigade.

Part V.—Municipal buildings.

Part VI.—Finance—

A.—Rating and assessments.

B.—Burgh fund.

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—*cont.*

C.—Borrowing powers.

D.—Corporation stock.

E.—General.

Part VII.—Authorised street improvements and bridge works—

A.—Authorised street improvements.

B.—Authorised bridge works.

Part VIII.—Lands—

A.—General.

B.—Lands for authorised street improvements and bridge works.

Part IX.—Miscellaneous.

**Interpreta-
tion.**

3. The following words and expressions in this Order have unless there is something in the subject or context repugnant to such construction the meanings hereby assigned to them (that is to say):—

“ Art gallery ” means the art gallery and museum situated at Schoolhill and any other building or place established by the Corporation for the purposes of an art gallery or museum in the city together with the buildings sculpture casts models pictures objects of art and illustrations of science or other collections furniture and other property of all descriptions contained therein or connected therewith;

“ Authorised bridge works ” means the works described in the section of this Order of which the marginal note is “ Power to construct authorised bridge over river Dee at Allenvale ”;

“ Authorised street improvements ” means the works described in the section of this Order of which the marginal note is “ Power to make authorised street improvements ”;

“ Burgh fund ” means the burgh fund established under the provisions of the repealed Acts and referred to in the section of this Order of which the marginal note is “ Burgh fund ”;

“ Chief constable ” means the chief constable of the city;

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- “City” means the city and royal burgh of Aberdeen;
- “City Acts” means the local Acts and Orders applicable to the city;
- “City assessor” means the city assessor of the city;
- “City chamberlain” means the city chamberlain of the city;
- “City improvements fund” means the fund for city improvements referred to in the section of this Order of which the marginal note is “City improvements fund”;
- “City engineer” means the city engineer of the city;
- “City map” means the map of the city kept by the town clerk in pursuance of the section of this Order of which the marginal note is “Boundaries of city”;
- “City rate” means the rate imposed and levied by the Corporation under and in pursuance of the section of this Order of which the marginal note is “Laying on of assessments” and references in the City Acts to “the consolidated rate” shall be deemed to be references to the city rate as hereinbefore defined;
- “City treasurer” means the honorary treasurer appointed in pursuance of the section of this Order of which the marginal note is “Honorary treasurer”;
- “Common good” means the common good fund of the city;
- “Constable” means any member of the police force and includes the chief constable;
- “Corporation” means the lord provost magistrates and town council of the city;
- “Corporation stock” means all stock issued by the Corporation whether under the provisions of the repealed Acts or this Order;
- “Daily penalty” means a penalty for every day on which an offence continues after conviction therefor;

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- “Magistrates” means the lord provost and baillies of the city for the time being and “magistrate” means any one of them;
- “Office bearers” means the office bearers of the city and includes the lord provost the baillies the dean of guild the city treasurer the master of shore works the master of kirk and bridge works the master of mortifications and the master of guild brethren’s hospital;
- “Order of 1936” means the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936;
- “Order of 1937” means the Aberdeen Corporation (Water Gas Electricity and Transport) Order 1937;
- “Order of 1938” means the Aberdeen Corporation (General Powers) Order 1938;
- “Outer zone” means the area described in the Fourth Schedule to this Order as such area may be altered from time to time in pursuance of the section of this Order of which the marginal note is “Obligations as regards certain lands with respect to certain services”;
- “Police court” means the police court of the city;
- “Police force” means the police force of the city;
- “Private improvement rate” means any rates assessed and levied by the Corporation under and in pursuance of the section of this Order of which the marginal note is “Power to impose private improvement rate &c.”;
- “Procurator-fiscal” means the procurator-fiscal of the police court and includes his deputies;
- “Public utility undertakings” means the water undertaking the gas undertaking the electricity undertaking and the tramway undertaking;
- “Repealed Acts” means those provisions of Acts and Orders which are repealed by this Order;
- “Sanitary inspector” means any sanitary inspector of the city and includes the chief

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—cont.

sanitary inspector of the city and references to “the sanitary inspector” in the City Acts and any other enactment in its application to the city shall have the meaning aforesaid;

“Sheriff” means the sheriff of Aberdeen Banff and Kincardine and includes his substitutes;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any security representing or granted in lieu of consideration money for the time being existing under the City Acts or under any other Act or Order passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed in relation to the undertakings or services of the Corporation;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed or of any county council or municipal corporation or other local authority including the Corporation but does not include any security transferable by delivery;

“Supplementary valuation roll” means any supplementary valuation roll made up in pursuance of the Valuation Acts and this Order;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

41 & 42 Vict.
c. 76.

“Town clerk” means the town clerk of the city;

“Town house” means the portion of the Aberdeen county and municipal buildings constructed under the Aberdeen County and Municipal Buildings Act 1866 and appropriated for the

29 & 30 Vict.
c. civ.

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—cont.

occupation and use of the Corporation as such portion exists or may be reconstructed altered extended improved or enlarged under the provisions of the section of this Order of which the marginal note is "Reconstruction of town house";

"Tramway undertaking" has the same meaning as in Part V (Transport) of the Order of 1937;

"Tribunal" means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred;

17 & 18 Vict.
c. 91.

"Valuation Acts" means the Lands Valuation (Scotland) Act 1854 and any Act for the time being in force with respect to the valuation of lands and heritages in Scotland;

"Valuation roll" means the valuation roll made up in pursuance of the Valuation Acts;

"Water undertaking" has the same meaning as in Part II (Water) of the Order of 1937.

Incorporation of Acts.

4. The Lands Clauses Acts so far as they are applicable for the purposes of and are not inconsistent with or varied by this Order are hereby incorporated with and form part of this Order and this Order shall be deemed to be a special act within the meaning of those Acts.

Limits of Order.

5. Except where otherwise expressly provided the provisions of this Order shall apply only to the city.

PART II.

GENERAL ADMINISTRATION.

Boundaries of city.

6.—(1) The city shall continue to include and comprehend the area comprised within the boundaries set forth and described in the First Schedule to this Order (being the boundaries of the city as existing at the commencement of this Order) which area is delineated on the city map. Provided that the description of the said boundaries shall be subject to the rules of construction prescribed by the Representation of the People Acts. Provided further that if there be any

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discrepancy between the city map and the description in the said First Schedule to this Order the city map shall be deemed to be correct and shall prevail.

PART II.
—cont.

(2) A map (in this section referred to as “the city map”) showing the boundaries of the city and of the several wards of the city signed by Sir Samuel Chapman the chairman of the commissioners to whom this Order was referred shall be kept by the town clerk.

7. The city shall continue to be a county of a city by the name of “the county of the city of Aberdeen” and all charters statutes enactments laws customs and usages and all jurisdictions prerogatives rights powers privileges and authorities as existing held used and enjoyed and applicable therein at the commencement of this Order shall continue to be held used and enjoyed and to be applicable within the county of the city of Aberdeen and the existing and future lords lieutenant deputy lieutenants and justices of the peace of the counties of Aberdeen and Kincardine shall have no jurisdiction power or authority within the county of the city of Aberdeen but nothing in this section shall affect the right of such justices to hold their courts and meetings as heretofore within the city nor the power and authority which by the law of Scotland may be exercised by any justice of the peace beyond the limits of the county for which he is a justice.

8.—(1) Unless and until otherwise determined the city shall continue to be divided into twelve wards as existing at the commencement of this Order and the numbers names and boundaries of the said wards are respectively set forth and described in the Second Schedule to this Order and shown on the city map.

(2) The description of the boundaries of the said wards shall be subject to the rules of construction prescribed by the Representation of the People Acts Provided that if there be any discrepancy between the city map and the descriptions in the said Second Schedule the city map shall be deemed to be correct and shall prevail.

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PART II.
—cont.

Ward
boundaries
to have
effect for
parlia-
mentary
purposes.

9. The division of the city into wards under the provisions of this Order shall have effect for parliamentary as well as municipal purposes but such division shall not affect the boundaries of the divisions into which the city is divided for the purpose of returning members to serve in Parliament.

City
parish.

10. The city parish of Aberdeen shall include and comprehend the city.

Powers of
Corporation
&c.

11. Subject to the provisions of the City Acts the Corporation and the several office bearers shall have possess and may exercise over the city and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which at the commencement of this Order they respectively had or possessed whether by usage at common law by royal charter or by statute or otherwise including all powers of imposing levying and recovering rates and assessments dues and charges and all rights privileges immunities and obligations enjoyed and possessed by or incumbent on the inhabitants of the city at the commencement of this Order shall continue to apply to the inhabitants of the city.

Vesting of
property
in Corpora-
tion.

12.—(1) Subject to the provisions of the City Acts the common good and all property belonging to the Corporation at the commencement of this Order or to which the Corporation are entitled or which is held or administered by any person for or on behalf of the community of the city or for the public ends and purposes thereof shall continue to be vested in and be held by the Corporation for the behoof and benefit of the city or to be administered by such person for or on behalf of the community of the city or for the public ends and purposes thereof.

(2) Where any property or any rights powers privileges or immunities have been transferred to or vested in the Corporation by virtue of the provisions of the repealed Acts or of any Act or Order in force at the time of such transfer the same shall continue to be vested in the Corporation without the necessity of recording in the register of sasines any conveyance or notice of title or other deed or writing but for the purpose of enabling the Corporation to complete a

title if thought fit to any property transferred to and vested in them by virtue of the repealed Acts or any such Act or Order this Order or such Act or Order and this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

(3) Except as otherwise expressly provided in this Order nothing in this Order contained shall affect the powers and rights of the Corporation in respect of the common good and all property and rights of whatever description forming part of or pertaining to the common good at the commencement of this Order shall subject to the provisions of this Order continue to form part of or pertain to the common good.

13.—(1) The Corporation shall consist of thirty-six town councillors and the dean of guild for the time being and the number of such town councillors to be elected magistrates shall be seven of whom one shall be the lord provost and six shall be baillies and the majority of the Corporation shall constitute a quorum.

Number
of town
councillors
and
magistrates.

(2) Each of the wards of the city shall be represented on the Corporation by three town councillors.

14. Notwithstanding anything in this Order or in any other enactment contained—

Tenure of
office of
baillies &c.

(i) the office bearers (other than the lord provost and the city treasurer) shall be elected annually and remain in office for the period of one year only;

(ii) the baillies shall take precedence in the order of their election and any baillie or other office bearer going out of office may be re-elected;

(iii) where in pursuance of any other enactment or otherwise the Corporation have made an appointment to fill a vacancy occurring in the office of baillie or other office bearer as aforesaid the person appointed shall hold such office during the period for which the person vacating such office might lawfully have held the same.

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PART II.
—cont.
Honorary
treasurer.

15.—(1) The Corporation shall from time to time appoint one of their number to be honorary treasurer (to be known as “the city treasurer”) and the councillor so appointed shall hold office from the date of his election as such until the expiry of three years from the first Tuesday in November immediately preceding his election and during that period he shall (provided he continues to hold the office of city treasurer) continue to hold office as a councillor and be held at each of the elections occurring during his term of office to have been the shortest time in office of the councillors for the ward which he represents.

(2) The city treasurer shall be the convener of the finance committee of the Corporation.

Power to
appoint
judges in
police
court.

16. The Corporation may at any time appoint any of their number who have held the office of lord provost or baillie of the city to act as judges of police for such time as they continue to be members of the Corporation without re-election and during such time the person or persons so appointed may lawfully exercise all jurisdictions powers and authorities competent to or exerciseable by a magistrate in the police court.

Rotation
of judges
in police
court.

17. The town clerk shall from time to time arrange the order in which the magistrates and judges of police shall officiate in the police court.

Appoint-
ment of
members
of Corpora-
tion &c. to
offices.

18. A person who has been a member of the Corporation or of any committee of the Corporation other than a school management committee shall not be appointed to any office or emolument in the gift of the Corporation before the expiration of twelve months from the time when he ceased to be a member of the Corporation or of such committee.

Filling up
casual
vacancies
in Corpora-
tion.

19. Notwithstanding anything contained in any other enactment in case of any vacancy occurring in the Corporation from any cause (other than retirement in ordinary rotation at an annual election) between the eighteenth day of October in any year and the first day of October in the following year the vacancy so occurring shall subject to the provisions of this Order be filled up by a special election by the electors of the ward in respect of which such vacancy has occurred

and the following provisions shall apply and have effect
(that is to say):—

PART II.
—cont.

- (1) The election shall be conducted and the costs and charges thereof defrayed in the same manner as in the case of an annual election:
- (2) The town clerk as soon as may be after the occurrence of the vacancy shall subject to the approval of the Corporation fix the date of the election and the dates for the issue of all necessary notices and for lodging and withdrawing nomination papers so that the intervals between such respective dates shall be the same as in the case of an annual election and such notices and papers shall be in or as nearly as may be in the forms respectively used in the case of an annual election:
- (3) The town clerk shall by notice to be affixed to the outside wall of the town house and also to be advertised by publication at least twice in one or more local newspapers circulating in the city intimate (i) the cause of the vacancy (ii) the ward in which the vacancy falls to be filled up (iii) the date and place for lodging and withdrawing nomination papers (iv) the date of the election in the event of there being a poll and (v) the polling place:
- (4) If more than one candidate is nominated for the vacancy the town clerk shall by notice to be affixed and published as aforesaid give the names of all persons so nominated and not withdrawn:
- (5) The person elected at the election shall hold the office of town councillor during the period for which the person vacating such office might lawfully have held the same.

20. In case of any such vacancy as is referred to in the immediately preceding section of this Order occurring within three months immediately preceding an annual election the Corporation may resolve that such vacancy shall not be filled up until such annual election.

Vacancy within three months of annual election.

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PART II.

—*cont.*

**Style or
name of
Corpora-
tion.**

21.—(1) The lord provost magistrates and town council of the city shall be and continue to be a body corporate with a common seal and they may be known called and referred to for all purposes as “the corporation of the city of Aberdeen.”

(2) The Corporation may sue and be sued in their corporate name and service on them of all legal processes and notices shall be effected by service on the town clerk.

**Execution
of deeds.**

22. Subject to the provisions of this Order deeds requiring to be executed by the Corporation may be signed (either with or without the common seal being adhibited) by—

(1) the lord provost or any member of the Corporation appointed by the Corporation for that purpose in lieu of the lord provost; and

(2) the town clerk:

Provided that if any deed exceeds one page it shall be deemed to be duly executed by the Corporation if it is signed on the last page only by the lord provost or other member of the Corporation appointed as aforesaid and if it is signed on each page (including any annexation or plan relative thereto) by the town clerk.

**Books and
records of
Corpora-
tion.**

23.—(1) The town clerk shall keep the books and records of the Corporation and their committees in which he shall duly enter all the acts orders and proceedings of the Corporation and their committees.

(2) The said books or records being signed by the preses of each meeting or any copy or extract therefrom authenticated by the signature of the town clerk shall be received as evidence in all courts whatsoever and the town clerk shall when required give certified copies or extracts therefrom to all persons requiring the same upon payment of such reasonable sum as shall be fixed by the Corporation.

**Access to
books &c.**

24. The Corporation and their officers shall be entitled to access to the books documents maps and plans kept by the county councils of the counties of Aberdeen and Kincardine respectively and by other authorities in the said counties or either of them relating to such counties or either of them in so far as may be necessary in relation to matters affecting the areas

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within the city which before the twenty-eighth day of May one thousand nine hundred and thirty-five formed part of the said counties respectively and the respective clerks or other officers of the said councils and authorities shall afford all necessary and reasonable facilities for that purpose Provided that the county councils or either of them shall be entitled to recover from the Corporation any expense reasonably incurred by them in complying with any requirement of the Corporation or their officers under the provisions of this section.

PART II.
—cont.

25. Subject to the provisions of this Order—

- (1) The Corporation may from time to time appoint for such purposes as they may deem expedient out of their own number such and so many committees consisting of such number of persons as they may think fit and shall appoint the convener of any such committee and fix the quorum thereof and may continue alter or discontinue such committee;
- (2) The Corporation may delegate to any such committee such of the powers and duties of the Corporation as they think fit (not being powers to raise money by rate or loan) and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the Corporation;
- (3) The Corporation may from time to time make such regulations as they think fit for the guidance of any committee of the Corporation and may from time to time remove any members of any such committee and appoint in their stead other members of the Corporation;
- (4) Nothing in this section shall affect the operation of the Local Government (Scotland) Act 1929.

Appoint-
ment of
committees
by Corpora-
tion.

19 & 20
Geo. 5. c. 25.

26.—(1) Every committee appointed in pursuance of the provisions of the immediately preceding section of this Order may meet from time to time and may

Provisions
as to
appoint-
ment of

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PART II.
—cont.
chairman
of com-
mittees and
votes at
meetings.

adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment.

(2) The convener appointed by the Corporation shall preside at all meetings of every such committee. Provided that in the absence of the convener at any such meeting the members of the committee present shall appoint one of their own number to be chairman of such meeting and if there be an equality of votes in the election of such chairman it shall be decided by lot which of the members having an equal number of votes shall be chairman and preside.

(3) All questions arising at meetings of every such committee shall be determined by a majority of the votes of the members present and in case of an equality of votes the convener or chairman shall have a casting as well as a deliberative vote.

Commis-
sioners
under
Harbour
Acts.

27.—(1) The lord provost the six baillies the dean of guild the city treasurer and the master of shore works for the time being respectively together with nine other members of the Corporation to be chosen by the Corporation as hereinafter in this section provided shall be commissioners under the Harbour Acts along with the twelve elected commissioners therein mentioned and the expression "the council representatives" in section 14 (Commissioners and their incorporation) of the Aberdeen Harbour Act 1895 shall mean the lord provost the six baillies the dean of guild the city treasurer and the master of shore works for the time being and the said nine members of the Corporation to be chosen as hereinafter provided.

(2) The nine persons to be chosen by the Corporation to be Commissioners under the Harbour Acts shall be elected at the time and in the manner prescribed in relation to the election of magistrates and other office bearers of the Corporation and the persons so chosen shall continue to be commissioners so long as they are in office as members of the Corporation and the first election after the commencement of this Order shall take place in the month of November next after the commencement of this Order.

(3) If any of the nine persons to be chosen as commissioners as hereinbefore provided refuses to accept office or dies or resigns or becomes disqualified or

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incompetent to act or ceases to be a member of the Corporation from any other cause than that of going out of office by rotation any such vacancy shall be filled up by the Corporation choosing one of their number to be a commissioner in the room of the commissioner so refusing to accept office or dying or resigning or becoming disqualified or incompetent to act or ceasing from any other cause to be a commissioner and the commissioner so substituted shall continue in office so long as he is in office as a member of the Corporation.

PART II.
—cont.

28. The commissioners to be elected by the Corporation under the Aberdeen County and Municipal Buildings Act 1866 shall continue to be elected and appointed at the annual meeting of the Corporation for the election of magistrates and other office bearers of the Corporation.

Election of municipal buildings commissioners.

29. References in the Aberdeen County and Municipal Buildings Act 1866 or in any other Act or Order applicable to the Corporation to "the commissioners of police" "the police commissioners" or other similar expressions shall be deemed to be references to the Corporation.

Interpretation of certain expressions in Aberdeen County and Municipal Buildings Act 1866 &c.

30.—(1) The Corporation shall from year to year at the first meeting of the Corporation held after the annual election of town councillors appoint an Art Gallery Committee (in this section referred to as "the Art Gallery Committee") for the purposes of the provisions of the City Acts relating to the art gallery.

Appointment of Art Gallery Committee.

(2) The Art Gallery Committee shall consist of eighteen members of whom twelve shall be chosen from the members of the Corporation and six from persons not members of the Corporation and the members of the Art Gallery Committee shall hold office until the date of the next ensuing appointment.

(3) The Art Gallery Committee shall meet as often as they may deem necessary for the transaction of business and shall at their first meeting appoint a chairman from among their own number who shall hold office until the next Art Gallery Committee is appointed and such chairman shall in case of equality have a casting vote in addition to his vote as an individual. Provided that in the event of a vacancy occurring in the office of chairman the Art Gallery

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PART II.
—cont.

Committee shall at their first meeting thereafter appoint a new chairman from among their own number and in the absence of the chairman at any meeting the Art Gallery Committee shall appoint a chairman for such meeting from among the members of the Art Gallery Committee present thereat and the chairman so appointed shall exercise the privileges of the chairman of the Art Gallery Committee at such meeting.

(4) Seven members of the Art Gallery Committee shall form a quorum.

(5) Any member of the Art Gallery Committee may resign office upon giving at least fourteen days' previous notice to the chairman of the Art Gallery Committee of his intention so to do and in the event of any vacancy occurring in the Art Gallery Committee during their term of office by the resignation or death of any member such vacancy shall be intimated as soon as may be to the Corporation and the Corporation may at a meeting thereafter elect from among themselves or otherwise according to the class in which the vacancy has arisen a member of the Art Gallery Committee in place of the member so resigning or dying. Provided that no proceedings of the Art Gallery Committee shall be invalidated in consequence of a vacancy or vacancies in the number of the Art Gallery Committee.

Trusts in
behalf of
city
vested
Saving
rights of
property.

31.—(1) Subject to the provisions of the City Acts all mortifications endowments trusts however constituted charitable bequests or other grants held or administered by the Corporation or by the office bearers (or any one or more of them) by themselves or in conjunction with any person shall be vested in held and administered by the Corporation or by so many of their number to be chosen by them for that purpose as may be necessary and by such person (if any) in pursuance of and in conformity with the deeds under which such mortifications endowments trusts charitable bequests or other grants are constituted for the purposes and with the rights powers and authorities and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the grantors or makers of such mortifications endowments trusts charitable bequests or other grants.

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(2) Nothing herein contained shall affect the rights or powers conferred on any private individual nominated and appointed by any deed whereby any mortification endowment trust charitable bequest or other grant is constituted or the rights of property or personal privileges or immunities within the city (excepting as the same are expressly modified by the provisions of the City Acts) enjoyed before the commencement of this Order by any person or class or community of persons.

PART II.
 —cont.

32. Where in any Act of Parliament charter deed or other instrument a less number of baillies than six is appointed as trustees or members of any governing body under such Act charter deed or other instrument the baillies in seniority of appointment shall to the number therein prescribed be deemed to be the corresponding number of baillies appointed as so required.

Provision if less number of baillies appointed trustees in Acts deeds &c.

33. Subject to the provisions of this Order nothing in this Order shall prejudice or affect the civil or criminal jurisdiction or administrative powers of the sheriff as existing before the commencement of this Order or of the several officers of the sheriff courts of the counties of Aberdeen Banff and Kincardine or the judicial or official names of the sheriff or of such officers or the description of the said counties in judicial or official forms in use in those courts or in any proceedings judicial or otherwise before the sheriff which names and description shall continue to be used as if the Act confirming this Order had not been passed.

Saving as to sheriff's jurisdiction.

34. Nothing in this Order contained shall alter or affect any obligation or liability imposed upon the Corporation under the Sheriff Court Houses Act 1860 or the Aberdeen County and Municipal Buildings Act 1866 or any Act amending the same or interfere with or affect the powers of the commissioners under the said last-mentioned Act.

Sheriff Court Houses Acts not to be affected. 23 & 24 Vict. c. 79.

35. In connection with any future division or union of the several registration districts into which the city is divided for the purposes of the Registration of Births Deaths and Marriages (Scotland) Act 1854 and Acts amending or extending that Act it shall be lawful for the sheriff if he thinks fit to direct that notwithstanding anything in the said Acts the known place

Provision for registration of births deaths and marriages. 18 & 19 Vict. c. 29.

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PART II.
—cont.

of business or office of the registrar or assistant registrar of any registration district may be situated outside such district.

Saving for registrars of births deaths and marriages.

36. Notwithstanding anything contained in the Registration of Births Deaths and Marriages (Scotland) Act 1854 or any Act amending that Act it shall be lawful for the sheriff if he thinks fit to direct that any registrar of births deaths and marriages whose district at the twenty-eighth day of May one thousand nine hundred and thirty-five included any part of the county of Aberdeen or of the county of Kincardine which now forms part of the city may have his known place of business or office outside such district.

Order not to affect benefit conferred by birth or residence.

37. Notwithstanding the provisions of this Order the claim to or enjoyment of any benefit which is conferred or which may be claimed or enjoyed under any Act Order or scheme in existence or under any deed or instrument testamentary or otherwise in respect of birth or residence in or in connection with the counties of Aberdeen or Kincardine as existing at the passing of such Act or Order or at the coming into effect of such scheme or at the time of the execution of such deed or instrument as aforesaid shall not be interfered with or prejudiced in so far as parts of those counties as then existing as aforesaid are now included in and deemed to be part of the county of the city of Aberdeen.

Saving as to holding of meetings by Aberdeen County Council.

38. Nothing contained in this Order shall prejudice or affect the right of the county council or of any district council of the county of Aberdeen to hold their meetings in the city.

For protection of Kincardine County Council.

39. Notwithstanding anything contained in this Order the county council of the county of Kincardine shall continue to possess and may exercise with respect to the quarry known as Parkhead Quarry situated within the city all the powers rights and privileges possessed by them as road authority with respect to the said quarry at the commencement of this Order.

Maintenance of Kirkhill School.

40. The Corporation shall maintain the existing school at Kirkhill so long as there is need for such in the district presently served by the said school and the county council of the county of Kincardine shall pay to the Corporation annually a proportion of the net

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cost of maintaining the said school according to the number of pupils from the said county attending the said school Provided that any dispute between the Corporation and the said county council under this subsection shall be determined by an arbiter to be appointed by the Secretary of State.

PART II.
—cont.

41. Nothing in this Part of this Order contained shall prejudice or affect any lands property or funds belonging to the guildry of Aberdeen or the burgesses of guild of Aberdeen or held by the Corporation in trust for the said guildry or burgesses of guild or the widows or children of the said burgesses or for the said burgesses or widows or children in conjunction with any other persons or alter the appropriation or application of the interest and revenues of the said lands property and funds and after the commencement of this Order the said lands property and funds and the interest and revenues thereof shall be held administered and applied on and for the same trusts uses and purposes as the said lands property funds interest and revenues were held administered and applied before the commencement of this Order.

Saving property and funds of guildry of Aberdeen.

42. Nothing contained in the City Acts shall be held or construed to take away abridge or diminish any rights powers privileges jurisdictions or authorities (whether by statute at common law or by usage or custom) acquired by vested in or enjoyed by the lord provost magistrates and other office bearers the Corporation and the members and officers of the Corporation in respect that the city is a royal burgh.

Saving in respect that city is royal burgh.

PART III.

OFFICERS AND SERVANTS.

43. Subject to the provisions of this Order the several officers of or appointed by the Corporation and in office at the commencement of this Order shall continue to possess and exercise in their several characters and capacities the same powers and authorities as they possessed and exercised in their several characters and capacities whether by usage or at common law or by statute before the commencement of this Order.

Existing officers to continue in office.

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PART III.
—cont.
**Appoint-
ment of
officers.**

44.—(1) The Corporation shall from time to time appoint such officers and servants as require by common law or statute to be appointed and such other officers and servants as the Corporation think necessary and subject to any statutory provision in force for the time being the Corporation shall fix and determine the amount of the salary or other remuneration to be paid to such officers and servants and their conditions of service.

(2) Except as otherwise provided in the City Acts or in any other enactment such officers and servants shall be appointed to hold office during the pleasure of the Corporation or during such period as the Corporation may fix or agree upon.

**Appoint-
ment and
duties of
town
clerk.**

45.—(1) The Corporation shall from time to time appoint a fit person who shall be a person enrolled as a solicitor in Scotland to be town clerk.

(2) The town clerk shall be paid for his personal services an adequate salary in lieu of all fees and emoluments whatsoever pertaining to the office or claimable in respect of the official duties which the town clerk is as such required to perform.

(3) The town clerk shall carry out all duties incumbent upon him at common law or under statute and shall act as solicitor parliamentary solicitor clerk and secretary of the Corporation in regard to the business of the Corporation and to all municipal or other trusts corporations boards and commissions now existing or which may be hereafter created in connection with or under the management or control of the Corporation and all fees and emoluments payable to him as such solicitor parliamentary solicitor clerk or secretary or payable in respect of the services of any town clerk depute and other persons employed in the department of the town clerk shall be charged collected accounted for and applied as hereinafter provided.

(4) The Corporation may appoint one or more persons to act as town clerk depute in the execution of the powers and duties of the office of town clerk and all things required or authorised by law to be done by or to the town clerk may be done

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by or to any town clerk depute and every such town clerk depute shall be a person enrolled as a solicitor in Scotland.

PART III.
—cont.

(5) The town clerk shall have the management direction and control of the town clerk's department and the staff thereof.

(6) All fees and emoluments pertaining to the office of town clerk and all the fees and emoluments payable in respect of services rendered by the town clerk's department and all expenses charges and disbursements recoverable from third parties and recovered (the right of recovering such expenses charges and disbursements in proceedings between the Corporation and third parties being in no respect prejudiced by this Order) shall be collected by the town clerk and paid by him to the city chamberlain and placed to the credit of the appropriate account.

(7) The town clerk shall not be removed from office except by a vote of not less than two-thirds of those members of the Corporation present at a meeting of the Corporation specially called for the purpose by a circular addressed to the members of the Corporation not less than seven nor more than fourteen days before such meeting.

(8) The town clerk holding office at the commencement of this Order shall continue in the office of town clerk under the terms and conditions of his appointment by the Corporation and nothing in this section contained shall in any way extend or prejudicially affect or impair the rights and interests of the Corporation on the one hand or of the said town clerk on the other hand in regard to the said appointment.

46.—(1) The Corporation shall from time to time appoint a fit person who shall be a chartered accountant or a member of (a) the Society of Incorporated Accountants and Auditors or (b) the Institute of Municipal Treasurers and Accountants or (c) the Association of Certified and Corporate Accountants Limited to be the chief financial officer of the Corporation under the style or title of city chamberlain and as such shall be treasurer in respect of all undertakings departments and services of the Corporation and

City
chamber-
lain.

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PART III.
—*cont.*

of all municipal or other trusts corporations boards and commissions now existing or which may be hereafter created in connection with or under the management or control of the Corporation and references to the "collector of assessments" "collector of police" (or other similar expressions) and to the "gas treasurer" in any Act or Order in its application to the city and to the Corporation shall be deemed to be references to the city chamberlain.

(2) The city chamberlain and any assistant city chamberlain shall if required by the Corporation before entering upon office grant bonds with sufficient surety to the Corporation for their intromissions and for the just and faithful execution of their offices respectively to such an amount as the Corporation shall think reasonable.

(3) The city chamberlain shall lodge all moneys received by him with such banks or banking companies as the Corporation shall direct upon an account or accounts to be opened in the name of the Corporation and to be operated upon by the city chamberlain and notwithstanding anything in any enactment contained the counter signature of one or more councillors shall not be required on any cheque drawn on the account of the Corporation on any bank and the signature of the city chamberlain on any such cheque shall be sufficient.

(4) The Corporation may appoint an assistant city chamberlain or assistant city chamberlains and if the Corporation so determine all things required or authorised by law to be done by or to the city chamberlain may be done by or to any assistant city chamberlain.

City
engineer.

47. The Corporation shall from time to time appoint a fit person who shall be a chartered civil engineer to be city engineer and subject to the provisions of the City Acts the city engineer shall perform such duties as the Corporation shall determine.

City
engineer
may
prosecute
in cases
within his
department.

48. The city engineer may and shall if directed by the Corporation prosecute for the public interest by a complaint in his own name before the magistrate in all cases arising out of any breach of the provisions of the City Acts or of any byelaws made thereunder with respect to any matter or thing by the City Acts put under his charge Provided that the Corporation

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may from time to time if they think fit direct that all or any of such complaints shall be raised by and in the name of the procurator-fiscal.

PART III.
—cont.

49.—(1) The Corporation may if they think fit appoint a fit person who shall be a chartered civil engineer to be water engineer and to have the management direction and control of the water undertaking and to perform such duties in relation thereto as the Corporation may determine.

Appoint-
ment of
water
engineer.

(2) In the event of a water engineer being appointed under the provisions of this section references to "the city engineer" in the City Acts so far as relating to the water undertaking shall be read and construed as if "the water engineer" had been substituted therefor.

50.—(1) The magistrates may from time to time appoint an official (hereinafter in this section referred to as "the procurator-fiscal") to conduct prosecutions and other proceedings in the police court and such official shall for the purpose of such prosecutions and other proceedings have all the powers and privileges of any procurator-fiscal by the law of Scotland.

Officials
of police
court.

(2) The magistrates may at any time suspend or with the consent of the lord provost (or the acting chief magistrate) dismiss the procurator-fiscal.

(3) The procurator-fiscal may with the approval of the magistrates appoint persons to act for him as his deposes and may also with the approval of a magistrate appoint a person from time to time to perform ad interim any duties in his name and conduct any proceedings which may have been commenced in his name.

(4) The remuneration of the procurator-fiscal and of any deposes or person appointed ad interim as aforesaid shall be paid by the Corporation and shall be such as may be approved by the Corporation.

(5) The town clerk shall be clerk to the police court and may with the approval of the magistrates appoint any persons to act for him as his deposes and may also with approval as aforesaid appoint a person from time to time to perform ad interim any duties in his name.

(6) If there is a vacancy in the office of procurator-fiscal the lord provost (or the acting chief magistrate)

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—cont.

may make an interim appointment to have effect until the appointment of a procurator-fiscal.

(7) During the period of such interim appointment all things required or authorised by law to be done by or to the procurator-fiscal as the case may be may be done by or to the person so appointed and such interim procurator-fiscal may conduct any proceedings which may have been commenced in the name of the person who last held the appointment of procurator-fiscal or interim procurator-fiscal.

Power to depute certain things to assistants of chief officers.

51. Where under the provisions of the City Acts or any other enactment relating to the city any act or thing is required or authorised to be carried out by or to be done by or to any officer of the Corporation specifically referred to in the City Acts or such other enactment the Corporation may decide in the case of any such officer that any such act or thing may notwithstanding anything contained in the City Acts or such other enactment be carried out by or be done by or to any person appointed to act as assistant to such officer and in that event such act or thing may be carried out by or be done by or to such person appointed to act as assistant as aforesaid.

Transfer of duties of officers.

52. Subject to the provisions of the City Acts and of any other enactment the Corporation may in their discretion at any time transfer from any one of their officers to any other of their officers such duties under the City Acts or otherwise as shall in their opinion be more appropriate to the office of such other officer or as they may determine and they may require such other officer to perform the duties so transferred.

Compensation to officers &c.

53. Without prejudice to the powers of the Corporation under any other enactment the Corporation may grant such compensation gratuities or allowances to any retiring or retired officers and servants of the Corporation or to the widows or other dependents of deceased officers or servants as to the Corporation shall appear reasonable and such compensation gratuities or allowances shall be defrayed by the Corporation out of the burgh fund :

Provided that the amount of such compensation gratuities or allowances shall be such as the Secretary of State may approve.

PART IV.

POLICE AND FIRE BRIGADE.

A.—*Police.*

54.—(1) The Corporation shall subject to the approval of the Secretary of State from time to time appoint a chief constable who shall have the charge control and superintendence of the police force and shall be responsible to the Corporation for the maintenance of the police force in a state of efficiency.

Appoint-
ment of
chief
constable.

(2) The Corporation shall subject to the approval of the Secretary of State fix the amount of salary to be paid to the chief constable and may subject as aforesaid at any time increase or reduce the same.

(3) If it appears to the Corporation that it is necessary to inquire into the conduct or efficiency of the chief constable they may cause inquiry to be made by a committee of members of the Corporation appointed by them for that purpose and pending such inquiry they may if they think fit suspend the chief constable from duty.

(4) The Police (Scotland) Regulations so far as relating to discipline shall *mutatis mutandis* apply to any inquiry under the foregoing subsection.

(5) Subject to the provisions of the Police (Appeals) Act 1927 the Corporation may if satisfied of misconduct or inefficiency on the part of the chief constable dismiss him or require him to resign as an alternative to dismissal.

17 & 18
Geo. 5. c. 19.

(6) For the purposes of this and the next succeeding section of this Order the expression "Police (Scotland) Regulations" means the Police (Scotland) Regulations 1920 made by the Secretary of State under the Police Act 1919 and any regulations for the time being in force amending or extending the same or in substitution therefor.

9 & 10
Geo. 5. c. 46.

55. The Corporation shall subject to the approval of the Secretary of State from time to time fix the number of constables to act under the direction of the chief constable and the wages to be paid to such constables and subject to the provisions of the Police (Scotland) Regulations the chief constable shall appoint proper persons to be constables and may promote or suspend or dismiss any constable.

Appoint-
ment of
constables.

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PART IV.
—cont.
Appoint-
ment of
temporary
substitute
for chief
constable.

56.—(1) The chief constable shall subject to the approval of the Corporation appoint a constable to act during his temporary absence or illness as chief officer of police and to exercise all the powers of the chief constable and the chief constable may at any time subject as aforesaid revoke the appointment of such constable.

(2) Any constable holding appointment as aforesaid shall act as chief officer of police and shall exercise all the powers of the chief constable in the case of the death retirement dismissal or suspension of the chief constable :

Provided that the Corporation may terminate the appointment as aforesaid of such constable and may appoint any other constable to act as chief constable until a chief constable is appointed.

Appoint-
ment of
special
constables.

57.—(1) For the purpose of aiding the police force in the execution of their duty the chief constable may (subject to the approval of the Corporation as to the number of persons to be appointed) from time to time appoint any suitable persons not under the age of twenty years to act as special constables and the Corporation may incur such expense as may be requisite for the equipment and training of such special constables.

(2) The chief constable may recall any such appointment at pleasure.

(3) The special constables so appointed shall be under the direction of the chief constable and on making the declaration required to be made under the section of this Order of which the marginal note is "Declaration by constables" shall (when required by the chief constable to be on police duty) have the same powers and privileges as constables of the police force.

(4) A roll of the names and addresses of all special constables shall be kept by the chief constable.

Declara-
tion by
constables.

58. The chief constable and other constables appointed under this Head of this Part of this Order shall before a magistrate make the following declaration viz. "I hereby do solemnly sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable."

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59.—(1) The lord provost or the sheriff may at any time increase the number of constables in the city by obtaining for a temporary period the services of constables from other burghs or counties in Scotland and such constables shall for the time being have all the powers and privileges of constables appointed in pursuance of the section of this Order of which the marginal note is "Appointment of constables."

PART IV.
—cont.
Power to
augment
number of
constables
temporarily
&c.

(2) On the requisition of the sheriff of any county or chief magistrate of any burgh in Scotland the chief constable shall if so directed by the magistrates or in the case of urgency by the lord provost or in his absence the senior baillie detach constables to act in any such county or burgh guarantee being obtained for—

- (a) outlay and expense;
- (b) a reasonable sum for the services of the constables;
and
- (c) provision in the case of constables being injured or killed.

(3) During the time they are so doing duty in other counties or burghs the constables shall have all the powers and privileges of constables of such counties or burghs respectively.

(4) On the requisition or order of the Secretary of State the chief constable shall have power to supply a certain portion of the police force under his charge for any special or temporary duty or service elsewhere within Scotland the proportion from the police force not to exceed ten per centum and the expense to be defrayed by the police force requiring the extra police assistance.

60.—(1) It shall be the duty of the chief constable and (according to instructions of the chief constable) of every constable appointed under this Head of this Part of this Order to guard patrol and watch within the city and to apprehend and bring before a magistrate all persons found committing any criminal riotous or disorderly act or accused or suspected of having committed crimes delinquencies or offences of whatever description and at what place or period the same may have been or are suspected to have been committed whether the same be of such a kind as can be competently tried before a magistrate or be of a nature requiring to be

Duties of
chief
constable
and
constables.

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—cont.

remitted for trial before a higher court or which from having been committed beyond the city fall to be tried in another jurisdiction and to do all other things required of them by law.

(2) The chief constable shall when required attend at any meeting of the Corporation of the magistrates or of any committee of the Corporation for the purpose of consultation as to the business of the Corporation or of the magistrates or of such committee provided that he shall not be required to give any information which if disclosed might in the opinion of the chief constable tend to defeat the ends of justice.

Powers
and
privileges of
constables.

61. Constables shall have in the city and in the counties of Aberdeen and Kincardine and in any burgh contiguous or adjacent to the city and in any harbour bay loch or anchorage within or adjoining the city or either of those counties or such burgh all the powers and privileges appertaining for the time being to any constable by common law or by any general Act as well as all the powers and privileges specially conferred on constables by the City Acts Provided that no constable shall exercise within either of the said counties or any such burgh or any harbour bay loch or anchorage adjoining the city any powers in excess of those exercisable by members of the police force of the local authority having jurisdiction for police purposes within either of the said counties or any such burgh harbour bay loch or anchorage as aforesaid.

Constables
not to
resign
without
leave.
11 & 12
Geo. 5. c. 31.

62.—(1) Subject to the provisions of the Police Pensions Act 1921 no constable appointed under this Head of this Part of this Order shall resign his office or withdraw himself from the duties thereof unless—

(a) in the case of the chief constable he is expressly allowed so to do by the Corporation in writing or until after he has given to the Corporation one month's notice; and

(b) in every other case he is expressly allowed so to do by the chief constable whom failing the Corporation or until after he has given to the chief constable one month's notice.

(2) Any constable who resigns or withdraws himself from the duties of his office without such leave or notice

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shall forfeit all arrears of pay then due to him and shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds or to imprisonment for a period not exceeding thirty days.

PART IV.
—cont.

63.—(1) Any constable appointed under this Head of this Part of this Order and any other person appointed for the purpose of carrying out police duty who is dismissed from or ceases to hold and exercise his office shall—

Return of
accoutre-
ments &c.

(a) if he be the chief constable deliver to such person and at such time and place as the Corporation may direct; and

(b) in any other case deliver forthwith to the chief constable;

all clothing equipment and necessaries which have been supplied to him as a constable or for the purposes of his duty as aforesaid.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds or to imprisonment for a period not exceeding thirty days and a magistrate or sheriff may grant warrant to search for and seize all such clothing equipment and necessaries not so delivered wherever the same are found.

64. Any person not being a constable appointed under this Head of this Part of this Order who—

Penalty for
unlawful
possession of
accoutre-
ments &c.

(a) has in his possession any article being part of the clothing equipment or necessaries supplied to any constable and is not able satisfactorily to account for his possession thereof; or

(b) wilfully and falsely pretends to be or takes the name designation or character of a constable;

shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding sixty days and such penalty shall be in addition to any other punishment to which he may be liable.

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PART IV.
—cont.
Rewards to
constables
&c.

65. For the purpose of rewarding any constable for outstanding services or of rewarding any person for aiding or assisting the police force and of remunerating persons necessarily employed for special services the Corporation may pay to such constable or person such sum as shall to them seem proper and may make such other award as they think fit. Provided that the total amount which may be expended by the Corporation under the powers of this section shall not in any one year exceed the sum of two hundred and fifty pounds.

Constables
may enter
certain
premises.

66.—(1) Any constable being in uniform or not being in uniform on production of his warrant card signed by the town clerk or by the chief constable may by virtue of his office at any time enter any premises or place of the description hereinafter mentioned or any part thereof (that is to say):—

- (a) Any premises or place for which under the provisions of the City Acts or byelaws made thereunder a licence is required;
- (b) Any place used for the purpose of stage plays or dramatic entertainments or for any public show or exhibition;
- (c) Any fried fish shop restaurant coffee-house or other premises used as a place for public refreshment;
- (d) Any premises or place in which wine spirits beer cider or other fermented or distilled liquors are sold or suspected to be sold whether licensed or not;
- (e) Any premises or place which require to be registered under the provisions of the City Acts or byelaws made thereunder;
- (f) Any premises or place usually frequented by any prostitute thief or loose or disorderly person;
- (g) Any ship or other vessel not being employed in His Majesty's service.

(2) Any occupier or keeper of any such premises or any other person having the charge thereof or having the means of affording admission or entry thereto who

does not admit such constable when required shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

PART IV.
—cont.

67. Where it is suspected that any building or place for which a licence is required or which requires to be registered under the City Acts or any other enactment or byelaws made thereunder is not so licensed or registered as the case may be any magistrate may by order in writing authorise any constable to enter by force if need be such building or place at any time when such building or place is open for the reception of persons resorting thereto and to remove any person found therein without lawful excuse.

Constables may enter certain unlicensed buildings.

68. Any person who—

- (a) at any time assaults or in any way resists obstructs or molests any constable in the execution of his duty or aids or incites any person so to do; or
- (b) refuses or neglects to comply with any order lawfully given by any constable in the execution of his duty; or
- (c) does not when required by a constable afford every reasonable aid and assistance in preventing the escape of any prisoner;

Penalty on persons assaulting resisting &c. constables in their duty.

shall be guilty of an offence and shall in the case specified in paragraph (a) of this section be liable on summary conviction to a penalty not exceeding twenty pounds or to imprisonment for a period not exceeding sixty days and in the cases specified in paragraphs (b) and (c) of this section be liable on summary conviction to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding twenty days.

69.—(1) Any person who permits any breach of the peace or riotous or disorderly conduct within any premises occupied or kept by him or who knowingly harbours (other than for the purpose of providing food and shelter) any prostitute or reputed thief or permits or suffers men or women of notoriously bad fame or dissolute boys or girls to meet or assemble therein or who knowingly lodges entertains or harbours to the

Penalty for harbouring disorderly persons.

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annoyance of any of the inhabitants in the neighbourhood any prostitute reputed thief rogue or vagabond shall be guilty of an offence and shall be liable for a first offence to a penalty not exceeding ten pounds and for any subsequent offence to a penalty not exceeding thirty pounds and to make payment of such expenses as the magistrate may deem fit.

(2) If any person is found guilty of any such offence a second or any subsequent time it shall be lawful for a magistrate on the application of three householders or of the procurator-fiscal to order the ejection and removal of such person summarily from the premises occupied or kept by him and to impose such further penalty on such offender not exceeding twenty pounds as to the magistrate may seem fit.

Penalty
on letting
premises to
harbourers
of thieves
&c.

70. Any person being the owner or occupier of any premises who knowingly lets the same by the year or otherwise to any harbourer of thieves prostitutes or disorderly persons shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Adoption
of certain
sections of
Burgh
Police
(Scotland)
Act 1892.
55 & 56 Vict.
c. 55.

71. The following sections of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of that Act and shall come into force in the city at the commencement of and as part of this Order (that is to say):—

Section 407 (Gaming houses);

Section 408 (Vagrant beggars &c. to be apprehended and upon conviction imprisoned);

Section 409 (Known or reputed thieves may be apprehended &c.).

Offences in
connection
with
horse-
drawn
vehicles.

72. Section 188 of the Order of 1938 shall be read and have effect as if the following subsection were inserted therein in lieu of subsection (32) thereof (that is to say):—

“(32) Being the owner or person in charge of any
“ horse-drawn vehicle or any horse yoked to
“ the same or of any unyoked or saddled horse
“ puts such vehicle or horse under the charge
“ care or control of a person who is not of the
“ full age of fourteen years :

“ Provided than an offence shall not be committed under the provisions of this subsection if such person not of the full age of fourteen years rides a horse under the supervision of a riding instructor or other person over seventeen years of age.”

PART IV.
 —cont.

73. The Corporation may continue erect construct provide maintain alter improve enlarge renew or replace (a) police stations police court houses police offices police kiosks pillars and other erections for the police force (b) dwelling-houses or other housing accommodation for members of the police force and (c) stables garages horses motor vehicles ambulances and all necessary furnishings appurtenances appliances implements and accoutrements and for all such purposes or any of them the Corporation may from time to time as they think fit purchase feu or lease any lands or premises :

Police stations and buildings.

Provided that nothing contained in this section shall empower the Corporation to interfere with the access both for vehicular and pedestrian traffic to any station or depot or hotel of a railway company.

B.—Fire brigade.

74. Subject to the provisions of this Order the fire brigade undertaking as it exists and as it is used and enjoyed by and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and be held used and enjoyed by them.

Vesting of fire brigade undertaking.

75. The firemaster and firemen in the employment of the Corporation shall if the Corporation so require be sworn in as special constables.

Firemaster and firemen may be special constables.

76. If any chimney catches or is on fire the person occupying or using the building or place in which such chimney is situated shall be guilty of an offence and shall be liable to a penalty not exceeding ten shillings provided that such person shall not be guilty of an offence or be liable to such penalty if he proves to the satisfaction of the magistrate before whom the case is heard that such fire was not due to

Penalty for allowing chimneys to catch fire.

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—cont.

omission neglect or carelessness on the part of himself or his servant.

Charge for other services of fire brigade.

77. The Corporation may make reasonable charges in respect of any services rendered by the fire brigade for any purpose other than extinguishing a fire.

Saving for Fire Brigades Act 1938. 1 & 2 Geo. 6. c. 72.

78. Nothing in this Head of this Part of this Order shall be in derogation of the Fire Brigades Act 1938.

PART V.

MUNICIPAL BUILDINGS.

Reconstruction of town house.

79. The Corporation may maintain reconstruct alter extend improve and enlarge the town house in such manner and according to such plan design and general arrangement as they think fit and may furnish and equip the town house and may from time to time appropriate on such terms as they think fit portions of the town house for the use and accommodation of any departments of the Corporation.

Power to erect new municipal buildings.

80. The Corporation may on any lands vested in or held or acquired or to be acquired by them provide erect alter enlarge maintain fit up furnish and equip and carry on new municipal buildings (including a town hall) for the transaction of the business of the Corporation and of any public trusts or other bodies on which the Corporation are represented and for public meetings and assemblies and the Corporation may appropriate on such terms as they think fit such portions of such buildings for the use and accommodation of any departments of the Corporation.

Power to lease parts of town house or municipal buildings.

81. The Corporation may let or grant the use of such part or parts of the town house or of the new municipal buildings erected under the powers of the immediately preceding section of this Order or any of them to such persons for such periods and on such terms and conditions as they may think fit.

Power to lease premises.

82. The Corporation may by agreement purchase or may lease from any person on such terms and conditions as may be agreed any premises for the use and accommodation of any departments of the Corporation and may furnish and equip any such premises.

PART VI.

FINANCE.

A.—Rating and assessments.

83.—(1) The Corporation shall annually estimate and fix for the financial year then current namely from the first day of June preceding till the thirty-first day of May succeeding the amount of the expenditure to be paid or satisfied out of the burgh fund and payable out of the produce of the city rate. Annual estimates.

(2) The expenditure payable out of the produce of the city rate shall except as otherwise provided consist of all expenditure required for carrying out the provisions of the City Acts (not being expenditure which in accordance with the provisions of the City Acts falls to be defrayed out of the proceeds of the domestic water rate) and of any other Act or Order of or relating to the Corporation and for carrying out the provisions of any public general Act in operation within the city for the time being which imposes or confers upon the Corporation powers duties or obligations.

84.—(1) The Corporation shall annually impose and levy an assessment to be called the city rate sufficient to provide the sums of money necessary to be levied during the financial year then current estimated in accordance with the provisions of the section of this Order of which the marginal note is "Annual estimates" due provision being made for any surplus or deficiency on the accounts for the year preceding. Laying on of assessments.

(2) Subject to any statutory provision for exemption or abatement the city rate shall be imposed upon owners and occupiers or owners or occupiers of lands and heritages according to the rateable value thereof as determined by any enactment affecting the same and the city rate shall be so imposed as to provide that the expenditure to be met thereby shall be payable (a) wholly by the occupier in respect of expenditure for and in connection with the purposes mentioned in Part I of the Third Schedule to this Order (b) wholly by the owner in respect of expenditure

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for and in connection with the purposes mentioned in Part II of the said Third Schedule and (c) one-half by the owner and one-half by the occupier in respect of expenditure for and in connection with purposes other than those mentioned in the said Third Schedule.

(3) The city rate shall be imposed as from the twenty-eighth day of May in any one year to the twenty-eighth day of May in the following year except in the case of lands and heritages entered in the supplementary valuation roll in which case the city rate shall be imposed in respect of the period to the twenty-eighth day of May next ensuing.

(4) In imposing the city rate the Corporation shall not be bound to fix a rate of assessment which shall include a fractional part of a penny.

(5) The city rate shall be due and payable at such time and at such place or places respectively as the Corporation may from time to time appoint.

Amend-
ment of
section 236
of Order of
1937.

85. Subsection (3) of section 236 (Annual estimate and fixing fares for tramway undertaking) of the Order of 1937 shall be read and have effect as if after the word "company" occurring therein the following words were inserted (that is to say) "and in the case of any lands or heritages belonging to a railway company and held or used for railway purposes the owner of such lands or heritages."

Limits of
rates not
to be
exceeded.

86. Notwithstanding anything in the City Acts or in any other Act contained the amounts to be expended by the Corporation out of the produce of the city rate in respect of the several matters hereinafter mentioned shall not exceed a sum representing the produce of a rate of the amount hereinafter specified with respect to such matters respectively per pound on the rateable valuation of the city (that is to say):—

- (i) For the provision of music in the parks gardens open spaces and places within the city one-sixth of a penny;
- (ii) For carrying into effect the provisions of the Libraries Acts so far as applicable to the city three pence;
- (iii) For carrying into effect the provisions of the City Acts relating to the art gallery two pence;

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- (iv) For making good any deficiencies in the revenues of the entertainment buildings as defined in the Order of 1938 one penny;
- (v) For the purposes mentioned in subsection (1) of the section of this Order of which the marginal note is "Power to subscribe to "hospitals &c. and pay expenses of public "ceremonies &c." one penny;
- (vi) For the purposes of the section of this Order of which the marginal note is "Expenses of lord provost" one-sixth of a penny;
- (vii) For the purposes of the section of this Order of which the marginal note is "Power to advertise concerts entertainments &c." one penny.

87.—(1) Section 73 (Estimate to be considered and domestic water rate imposed) of the Order of 1937 shall be read and have effect as if the words "the public water rate" occurring in subsection (1) thereof were omitted therefrom and as if the following words were inserted in the said section 73 in lieu thereof (that is to say) "a sum to be met annually out of the city rate (which sum may and shall be included as expenditure payable out of the produce of the city rate and shall not exceed in any year a sum representing the produce of a rate of four pence per pound on the rateable valuation of the city)."

Expenditure out of city rate for purposes of water undertaking.

(2) References to "the city rate" in the said section 73 as amended by this section shall be deemed to be references to the city rate as defined by this Order.

(3) Section 5 (Definitions for Part II of Order) (so far as that section defines "public water rate") and section 74 (Public water rate to be levied) of the Order of 1937 are hereby repealed.

88. Notwithstanding anything contained in the Aberdeen County and Municipal Buildings Act 1866 or any Act amending the same the provisions of this Head of this Part of this Order shall extend and apply with respect to the sums to be annually contributed by the Corporation for the purposes of the said Act of 1866.

Payments by Corporation under Aberdeen County and Municipal Buildings Act 1866.

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—cont.
Power to
impose
private
improve-
ment rate
&c.

89.—(1) In all cases where the Corporation have paid or become liable to the payment of any expenses under and in pursuance of any of the sections set out in section 160 (Recovery of expenses from owners) of the Order of 1936 or referred to in section 255 (Recovery of expenses from owners) of the Order of 1938 and when such expenses are not forthwith paid by or have not been otherwise recovered from the owner or occupier of the lands and heritages in respect of or in connection with which such expenses have been paid by the Corporation or for which the Corporation have become liable the Corporation shall assess and levy a private improvement rate upon and from such owner to be continued for six successive years and no longer and the sum to be annually levied by every such private improvement rate shall be one-fifth part of the whole expenses aforesaid and shall be applied in satisfaction thereof and such private improvement rate shall be made when the city rate is imposed and the same shall be payable over and above the city rate.

(2) In the City Acts the expression "private improvement rate" shall be substituted for the expression "drainage rates" wherever the latter expression occurs.

As to
fractional
parts of a
penny.

90. In calculating and collecting the amount payable in respect of the domestic water rate and any private improvement rate respectively imposed and leviable by the Corporation any fractional part of a penny less than a half-penny on the amount of each such rate shall not be reckoned as part of the amount payable in respect of each such rate and any fractional part of a penny amounting to or exceeding a half-penny shall be reckoned in the amount payable in respect of each such rate as one penny.

Obligations
as regards
certain
lands with
respect to
certain
services.

91. Notwithstanding anything contained in the City Acts the provisions of this section shall apply and have effect with respect to the lands and heritages within the outer zone (that is to say):—

(1) The obligations imposed on the Corporation under the City Acts with respect to cleansing lighting water supply and the construction of

sewers and drains shall not extend or apply to the lands and heritages within the outer zone :

- (2) The Corporation may at any time or from time to time resolve that the lands and heritages within the outer zone or such part or parts thereof as may be defined in any such resolution shall on and after the twenty-ninth day of May immediately succeeding the date of the passing of such resolution cease to form part of the outer zone and on and after the said twenty-ninth day of May the abatement from the city rate applicable in pursuance of the next succeeding section of this Order to the lands and heritages within the outer zone shall cease to apply to the lands and heritages within the outer zone or within the part or parts of the outer zone defined in such resolution as the case may be. Provided that no resolution in pursuance of this subsection shall apply to the Nether Don Salmon Fishings so far as the same are situated in the area added to the city on the twenty-eighth day of May one thousand nine hundred and thirty-five :
- (3) Every such resolution shall be passed at a meeting with respect to which notice has been given that such resolution will be proposed by a majority of the whole number of the members of the Corporation :
- (4) On the passing of any such resolution notice thereof shall be given by advertisement in one or more local newspapers circulating in the city and the Corporation shall on and after the date on which such resolution is to take effect be under the same obligations as to cleansing lighting water supply and the construction of sewers and drains with respect to the lands and heritages defined in such resolution as they are under with respect to the lands and heritages within that part of the city not within the outer zone :

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(5) Notwithstanding anything contained in this section the Corporation may at any time and from time to time make and carry into effect agreements with respect to cleansing lighting water supply or the construction of sewers and drains with any person as regards any lands and heritages within the outer zone.

**Exemptions
and abate-
ments from
city rate.**

92. Notwithstanding any enactment to the contrary the following provisions shall apply and have effect with respect to exemptions or abatements from the city rate (that is to say) :—

(1) Subject as hereinafter in this section provided the city rate shall not be leviable on or be exigible in respect of the lands and heritages referred to or coming within the description set out in Part I of the Fifth Schedule to this Order Provided that exemption from the city rate under the provisions of this subsection shall not be made in the case of any lands and heritages occupied and used as a church chapel or other religious meeting place in connection with any business or undertaking carried on for profit :

(2) Subject as hereinafter in this section provided the city rate shall in the case of the lands and heritages referred to or coming within the description set out in column 1 of Part II of the Fifth Schedule to this Order be leviable subject to deduction of the appropriate percentage set out in columns 2 and 3 of the said Fifth Schedule opposite to such lands and heritages respectively Provided that the abatement from the proportion of the city rate payable by occupiers in respect of the town house under the provisions of this subsection shall extend and apply with respect to any new municipal buildings provided or erected by the Corporation under the provisions of the section of this Order of which the marginal note is " Power to erect new municipal buildings " Provided further that in the case of any of such lands and heritages being

situated within the outer zone and coming within the description set out in numbers 1 to 6 inclusive in column 1 of Part II of the said Fifth Schedule the appropriate deduction in respect of such lands and heritages in accordance with this section shall be made after effect has been given to the deductions to be made under columns 2 and 3 of the said Part II in respect of such lands and heritages being within the outer zone :

- (3) Notwithstanding anything contained in subsections (1) and (2) of this section or in the Fifth Schedule to this Order—

(a) where any of the lands and heritages referred to or coming within the description set out in Part I or in numbers 1 to 6 inclusive in column 1 of Part II of the Fifth Schedule to this Order includes any dwelling-house the city rate shall be payable without deduction in respect of so much of any of such lands and heritages as comprises any such dwelling-house ;

(b) if the owner of any of the lands and heritages referred to or coming within the description set out in Part I or in numbers 1 to 6 inclusive in column 1 of Part II of the Fifth Schedule to this Order shall receive rent therefor and shall not himself occupy the same the proportion of the city rate payable by the owners of lands and heritages shall be payable by such owner and no deduction shall be made in respect of the said proportion of the city rate :

- (4) Without prejudice to anything contained in subsection (3) of this section the following provisions shall apply and have effect with respect to the deductions provided for in subsection (2) of this section :—

(a) The deduction in respect of church halls offices and premises coming within the description forming number 3 of Part II of the Fifth Schedule to this Order shall be

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made notwithstanding the occasional use of such church halls offices and premises for other than religious charitable or educational purposes if such use is granted gratuitously or subject only to a reasonable payment in respect of cleaning heating lighting or other services and no profit is derived from such payment;

(b) The deduction in respect of lands and heritages specified or coming within the description forming number 4 of Part II of the Fifth Schedule to this Order shall only be made in the case of lands and heritages occupied and used by bodies or persons who were granted a deduction from the city rate in respect of any lands and heritages occupied and used by them before the commencement of this Order on the ground that such last-mentioned lands and heritages were occupied and used solely for the purposes of public charity.

Occupiers' rates to be levied on owners in certain cases.
1 & 2 Geo. 5. c. 53.
10 & 11 Geo. 5. c. 8.

93.—(1) Notwithstanding anything contained in any enactment and subject to the provisions of the next succeeding section of this Order where any lands and heritages (not being lands and heritages to which the House-letting and Rating (Scotland) Acts 1911 and 1920 apply) the rateable value of which is above five pounds are let or sub-let for rent or hire for any period less than the year to which the assessments apply or are not occupied for the whole of such year but are occupied for a part or parts of such year the proportion of the city rate payable by occupiers the domestic water rate and the charges referred to in section 76 (Recovery of water charges) of the Order of 1937 (other than charges for water supplied by meter) (hereinafter in this section referred to as "rates") shall be levied on and be recoverable from the owners of such lands and heritages instead of from the occupiers thereof :

Provided that such owners shall be entitled to a proportional abatement or return from such rates corresponding to every entire period of one month

during which such lands and heritages have not been occupied in such year :

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Provided further that any owner who pays such rates shall be entitled to recover the sum so paid from the tenant or occupier of the lands and heritages assessed or a proportion thereof corresponding to the period for which any one or more tenants or occupiers have occupied the same.

(2) Such abatement or return shall not be made unless such owner lodges a claim in respect thereof with the city chamberlain on or before the twentieth day of May of the year of assessment.

94. The proportion of the city rate payable by owners shall be due and payable whether the lands and heritages in respect of which the same have been imposed have or have not been let or occupied during the year of assessment.

Assessment of unlet or unoccupied property.

95. The Corporation may on the ground of the poverty or inability to pay of any person liable to pay the city rate remit the payment of the city rate by such person in whole or in part as the Corporation in their discretion think just and reasonable.

Exemption on ground of poverty.

96.—(1) The city assessor shall at the same time that he requires any owner of lands and heritages to furnish him with the particulars prescribed by the Valuation Acts require that such owner shall in addition thereto furnish him with a written statement of the lands and heritages of which he is owner which are let to the respective tenants or occupiers thereof for any period less than one year all which such owner shall be bound to furnish within fourteen days of his being required by the city assessor in writing so to do.

Owners to furnish city assessor with returns of periods for which premises are let.

(2) Any such owner who fails without reasonable excuse to furnish such written statement shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds.

(3) Any such owner who knowingly presents or causes to be presented to the city assessor any false statement of the period or periods for which any lands and heritages belonging to him are let shall be guilty

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of an offence and shall be liable to a penalty not exceeding fifty pounds.

(4) Every such penalty shall be recoverable and applied in the manner prescribed by the Valuation Acts.

Returns of periods for which premises let to be embodied in city assessor's survey books.

97.—(1) The city assessor shall record in the survey books used in the preparation of the valuation roll the results of the owners' returns as to their respective lands and heritages which are let for any period less than one year and all other information requisite for carrying out the provisions of this Order.

(2) The returns duly recorded in the survey books of lands and heritages which are let for any period less than one year shall for the purposes aforesaid be as effectual valid and authoritative for the purposes of this Order (except that of the valuation upon which the assessment proceeds) as if contained in the valuation roll and shall at all reasonable times be available to the city chamberlain.

Rates on rentals not exceeding five pounds to be levied on owners.

98.—(1) Notwithstanding anything contained in any enactment where any lands and heritages (not being lands and heritages to which the House-letting and Rating (Scotland) Acts 1911 and 1920 apply) the rateable value of which does not exceed five pounds are let or sub-let for rent or hire for a year or any period less than a year the proportion of the city rate payable by occupiers shall be levied on and recoverable from the owners of such lands and heritages instead of from the occupiers subject to a deduction equal to one-eighth of the amount thereof.

(2) Any owner who pays the city rate shall be entitled to recover the full amount thereof from the tenant or occupier of the lands and heritages assessed or a proportion thereof corresponding to the period for which any tenant or occupier has occupied the same.

City rate &c. to form preferable claim.

99. The city rate and all other rates and assessments leviable by the Corporation and all charges referred to in section 76 (Recovery of water charges) of the Order of 1937 shall in the case of bankruptcy insolvency or liquidation be preferable to all debts of a private nature due by the persons assessed or by the persons liable in the city rate or such other rates assessments and charges.

100.—(1) All private improvement rates and all other expenses and charges which under the City Acts are recoverable in the same manner as a private improvement rate shall with the legal interest thereon from the time when the same are declared payable together with all expenses incurred in the recovery thereof continue burdens on the premises liable for the same or in respect of which the same are payable for seven years from the date when the same are payable and shall be payable by bona fide singular successors or heritable creditors and (if the ground is unbuilt on) by superiors.

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—cont.
Private improve-
ment rates
&c. to be
real burden
on premises
assessed.

(2) The town clerk shall in the case of any premises grant to any person making application and paying a fee of one shilling a certificate as to the presence or absence of any burdens as aforesaid on such premises and as to the amount of such burdens (if any).

101. The Corporation shall in each year cause to be made up from the valuation roll an assessment roll showing the rateable value of the lands and heritages liable to be assessed for the city rate and the total amount of assessment payable in respect of such lands and heritages Provided that—

Assessment
roll to be
made up.

(1) There shall not be entered in the assessment roll any fractional part of a pound of rateable value other than shillings and when such fractional part does not amount to five shillings the same shall not be entered in the assessment roll and when such fractional part amounts to five shillings or exceeds five shillings and does not amount to fifteen shillings the same shall be entered as ten shillings in addition to the actual number of pounds of rateable value and when such fractional part amounts to or exceeds fifteen shillings it shall be entered as one pound of rateable value in addition to the actual number of pounds of rateable value and shall be assessed accordingly :

(2) The assessment roll shall be open at all reasonable times to the inspection of any person interested as owner tenant or occupier of any property in respect of which he is liable to pay

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the city rate and any such person may without payment take extracts therefrom of the assessment in which he is interested as aforesaid or for which he is liable :

(3) The Corporation may from time to time cause the assessment roll to be altered or amended—

(a) by inserting therein the name of any person who ought to have been assessed; or

(b) by striking out the name of any person who ought not to have been assessed; or

(c) by raising or reducing the rateable value on which any person has been assessed if it appears that such person has been erroneously assessed; or

(d) in the event of any lands and heritages having been unoccupied at the time of imposing the city rate by entering the rateable value according to which the city rate exigible from such lands and heritages when subsequently occupied during the then current year shall be levied and the name of the person liable thereto; or

(e) by inserting such other amendments therein as will make the assessments imposed conform to the provisions of the City Acts; and the city rate shall be levied and collected in accordance with such assessment roll as so altered or amended and no such amendment shall be held to make void the assessments imposed :

(4) The Corporation in their discretion may cause the assessment roll to be made up so as to show therein in addition to the appropriate entries for the city rate the appropriate entries for the domestic water rate or for any other rates assessments or charges which the Corporation are or may be authorised to collect and recover :

(5) The Corporation in their discretion may instead of causing a separate assessment roll to be made up cause the appropriate entries to be made on a copy of the valuation roll which

shall then be deemed to be equivalent to the assessment roll :

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—cont.

- (6) For the purpose of this section the expression "valuation roll" shall include the supplementary valuation roll and the provisions of this section applicable to the assessment roll made up from the principal valuation roll shall apply to any supplementary assessment roll made up from the supplementary valuation roll :
- (7) The production of the assessment roll (or its equivalent) made up in accordance with the provisions of this section shall alone and without any other evidence be received as prima facie evidence of the making and validity of the assessments therein mentioned.

102. The provisions of this section shall apply and have effect with respect to the recovery of the city rate and all other rates assessments and charges levied by the Corporation :—

Recovery
of rates
and assess-
ments.

- (1) The city chamberlain shall issue a demand note to every person liable for the payment of the city rate or any other rates assessments or charges (all or any of which are hereinafter in this section referred to as "rates") demanding payment thereof and specifying the latest date fixed by the Corporation for the acceptance of payment thereof and in the event of the Corporation having resolved that the rates may be paid by instalments the latest dates fixed for the acceptance of payment of such instalments and the respective amounts thereof and shall leave such note at or send such note by post to the place of abode or place of business of such person or the place of abode or place of business last known to have been occupied by such person :
- (2) If any person liable for the payment of any rates refuses or neglects to pay the same or any instalment thereof on or before the expiration of the period mentioned in subsection (3) of this section and hereinafter

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in this section called “the prescribed period” the city chamberlain may proceed to recover such rates or instalments of rates as the case may be (hereinafter in this section referred to as “arrears”) according to the ordinary procedure before any competent court or by obtaining from the sheriff or any magistrate or any two justices of the peace of the county of the city of Aberdeen a summary warrant to recover the arrears with the addition of ten per centum thereon which warrant the sheriff or magistrate or justices as the case may be shall grant on production of a certificate by the city chamberlain that he has given due notice by demand note as required under the provisions of this section that the prescribed period has expired and that the amount of the rates is still due :

- (3) The prescribed period shall be a period of fourteen days from the latest date specified in the demand note for the acceptance of payment of the rates or from the latest dates so specified for the acceptance of payment of instalments of the rates. Provided that in the case of any instalment of the rates the latest date for the acceptance of payment of which as specified in the demand note is before the latest date specified for the acceptance of payment of the full amount of the rates the city chamberlain shall not be entitled to recover any such instalment until after the expiration of fourteen days from such last-mentioned date and he shall then be entitled to recover the full amount of the rates :
- (4) For the purposes of this and the next three succeeding sections of this Order “charges” means the charges referred to in section 76 (Recovery of water charges) of the Order of 1937.

Recovery
of city
rate &c. in
cases of

103. If any person liable in payment of the city rate or any other assessment or rate or charges authorised to be levied or recovered under the provisions

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of the City Acts removes to any place beyond the city the city chamberlain may put the decrees and warrants which may be granted for the recovery of such rates assessments and charges in the manner mentioned in the immediately preceding section of this Order into execution in the same manner as if such person had continued to reside within the city such decree or warrant being first endorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which it is to be put into execution.

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—cont.

persons
resident
beyond
city.

104. If any person quits or is about to quit any lands and heritages before he has paid all the city rate and all other assessments rates and charges due by him and fails to pay the same on demand the city chamberlain or any constable may by warrant under the hand of a magistrate (which warrant a magistrate is hereby authorised and required to grant without issuing any previous summons to such person upon proof to his satisfaction of such removal or intended removal or that there is reason to suspect the same) poid and distrain the furniture goods and effects of such person and sell the same returning the surplus proceeds (if any) of such sale to the owner of such furniture goods and effects upon demand after having deducted the reasonable expenses attending such poiding distress and sale together with the rates assessments and charges so due.

Recovery
of rates
from
persons
removing.

105. A misnomer mistake or informality committed in assessing levying or in any proceedings for recovery of the city rate or any other assessment or rate or any charges or expenses under the provisions of the City Acts shall not prejudice the recovery thereof and such proceedings shall not fall by the death or resignation of the city chamberlain instituting the same or on his otherwise ceasing to hold office but the city chamberlain for the time may prosecute and follow forth procedure commenced and carried on in the name of any previous city chamberlain in all respects as if such procedure had been commenced and carried on by himself Provided that it shall not be competent for any person to bring nor for any court of law to entertain any action or proceeding against the Corporation or the city chamberlain or officers or other

Misnomers
not to
affect pro-
ceedings for
recovery of
assessments.

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persons employed in executing any decree or warrant in reference to the city rate or such other assessment or rate or such other charges or expenses by reason of any misnomer mistake or informality if the goods or other effects seized or sold under such warrant were bona fide the property or in the lawful possession of the person actually liable in payment thereof.

Valuation
roll year.

106.—(1) Notwithstanding anything to the contrary contained in the Valuation Acts the valuation roll for the city shall be made up and assessments shall be levied and payable as from the twenty-eighth day of May in one year to the twenty-eighth day of May in the following year and the Valuation Acts in their application to the city shall be read and construed accordingly.

(2) For the purposes of this section rent payable as from Whitsunday in one year to Whitsunday in the following year shall be deemed to be rent payable as from the twenty-eighth day of May in one year to the twenty-eighth day of May in the following year.

Supple-
mentary
valuation
roll to be
made up.

107. The following provisions with respect to the valuation of lands and heritages within the city shall apply and have effect (that is to say):—

(1) The Corporation acting under the Valuation Acts in addition to the ordinary valuation roll for the city made up under the said Acts as at the fifteenth day of August in each year shall between the first day of January and the fifteenth day of March in each year cause the supplementary valuation roll to be made up by the city assessor showing for the year or the portion of the year to the twenty-eighth day of May then next in the form prescribed for the said ordinary valuation roll the rent or value of all lands and heritages within the city—

(a) which were in existence prior to the twenty-eighth day of May immediately preceding and which owing to error were not included in or were omitted from the said ordinary valuation roll last made up;

(b) which have come into existence after the twenty-eighth day of May immediately preceding and which were not included in the said ordinary valuation roll;

(c) which were included but entered as unoccupied or empty in the said ordinary valuation roll and which have become occupied after the twenty-eighth day of May immediately preceding;

(d) which were included and entered as occupied in the said ordinary valuation roll and for which one or more tenants jointly or severally pay or are liable to pay to the owner of such lands and heritages as the rent or value thereof for or in respect of the year to the twenty-eighth day of May then next a sum greater than the amount entered as the rent or value thereof in the said ordinary valuation roll. Provided that in any such case the rent or value to be entered in the supplementary valuation roll shall be the difference between the amount entered in the said ordinary valuation roll and the rent or value of such lands and heritages payable as aforesaid by one or more tenants for or in respect of the said year:

- (2) The provisions of the Valuation Acts including the provisions as to notices appeals and courts for hearing the same shall *mutatis mutandis* be applicable to the supplementary valuation roll as if it were therein referred to:
- (3) For the purposes of hearing and disposing of appeals against valuations entered in the supplementary valuation roll the burgh valuation courts of appeal as established under the Valuation Acts shall be held between the fifteenth day of March and the fifteenth day of April in each year:
- (4) The Corporation imposing any assessment upon the basis of the said ordinary valuation roll may impose in respect of all lands and heritages entered in such supplementary valuation roll supplementary assessments

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which shall be made so far as possible in the same manner under the same conditions and with the same powers of recovery as are applicable to the corresponding assessments imposed upon the basis of the said ordinary valuation roll Provided that no such lands and heritages shall be liable to be assessed more than once in any one year for the same rate or assessment in respect of the same rent or value :

- (5) All expenses incurred by the Corporation in giving effect to the provisions of this section shall be defrayed in the same manner as the costs and expenses of and in connection with the said ordinary valuation roll.

Date for
issuing
notices
under
Lands
Valuation
(Scotland)
Act 1854.

108. In its application to the city section 5 (Notice to be given to persons whose property is valued) of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words—

- (1) “fifteenth day of June” were substituted for the words “fifteenth day of July” occurring therein ;
- (2) “third day of September” were substituted for the words “eighth day of September” occurring therein ;
- (3) “at” were inserted between the words “the same” and “or sending” occurring therein ;
- (4) “to his usual place of business or to” were substituted for the word “at” first occurring therein ; and
- (5) “the place of business or” were inserted between the words “and where” and “the residence” occurring therein ;

so that that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament in its application to the city read as follows :—

“ On or before the twenty-fifth day of August
“ and not earlier than the fifteenth day of June

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“ in each year the assessor shall transmit or
“ cause to be transmitted to each person included
“ in his valuation whether as proprietor or
“ tenant or occupier a copy of every entry in
“ such valuation roll wherein such person shall
“ be set forth either as proprietor or tenant or
“ occupier along with a notice to such person
“ that if he considers himself aggrieved by such
“ valuation he may appeal against the same
“ to the commissioners of supply of the county
“ or to the magistrates of the burgh as the case
“ may be in terms of this Act or may obtain
“ redress without the necessity of such appeal
“ by satisfying the assessor on or before the
“ third day of September in each year that he
“ has well-founded ground of complaint and such
“ copy and notice may be served by handing the
“ same to such person personally or leaving the
“ same at or sending it through the post office
“ to his usual place of business or to his residence
“ or usual place of abode and where the place
“ of business or the residence or place of abode
“ of such person is unknown it shall be sufficient
“ if service be made as aforesaid upon his factor
“ or agent or be addressed to him at the office
“ of the clerk of supply of the county or town
“ clerk of the burgh as the case may be Provided
“ always that where in making up his valuation
“ as aforesaid the assessor is merely to repeat
“ an entry which occurred in the valuation of the
“ immediately preceding year it shall not be
“ necessary for the assessor to transmit such copy
“ and notice as aforesaid to the person or persons
“ specified in such merely repeated entry.”

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—cont.

109.—(1) In its application to the city section 8
(Courts of Appeal) of the Lands Valuation (Scotland) Act
1854 shall be read and have effect as if the words—

Dates for
land valua-
tion appeal
courts.

(A) “ nineteenth but not earlier than the fifteenth
day of September ” were substituted for the
words “ fifteenth but not earlier than the tenth
day of September ” occurring therein;

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- (B) “ by such assessors to each appellant as hereinafter in this Act provided ” were inserted between the words “ be given ” and “ which court ” occurring therein; and
- (C) “ fifteenth day of October ” were substituted for the words “ thirtieth day of September ” occurring therein;

so that that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament in its application to the city read as follows :—

“ The commissioners of supply of every county
“ and the magistrates of every burgh shall annually
“ on or before the nineteenth but not earlier than
“ the fifteenth day of September in each year hold
“ a court for hearing appeals against valuations
“ made by such assessors as aforesaid under this
“ Act of which ten days’ notice shall be given by
“ such assessors to each appellant as hereinafter
“ in this Act provided which court may be
“ adjourned from time to time and at such court
“ and at latest on or before the fifteenth day of
“ October in each year all such appeals and
“ complaints under this Act shall be disposed of
“ and such courts or adjourned courts of appeal
“ shall be held in such and as many places within
“ such county and burgh respectively as such
“ commissioners and magistrates respectively shall
“ appoint and the deliverances of such commis-
“ sioners and magistrates respectively upon such
“ appeals and complaints shall be final and
“ conclusive and not subject to review.”

30 & 31 Vict.
c. 80.

(2) In its application to the city section 7 (Time for lodging appeals against assessor’s entries in valuation roll) of the Valuation of Lands (Scotland) Amendment Act 1867 shall be read and have effect as if the words—

- (a) “ or complaints ” and “ or complaint ” occurring therein were deleted;
- (b) “ third day of September ” were substituted for the words “ tenth day of September ” occurring therein; and

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(c) "fifteenth day of October" were substituted for the words "thirtieth day of September" occurring therein;

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so that that section shall subject always to any alteration modification or amendment thereof made by any other Act of Parliament in its application to the city read as follows:—

"All appeals against any entry in the valuation roll made up in terms of the said recited Acts and of this Act either by the assessors appointed by the commissioners of supply of any county or by the magistrates of any burgh or by the assessor of railways and canals shall except as after provided be lodged not later than the third day of September in each year and every such appeal shall except as aforesaid be heard and determined not later than the fifteenth day of October in each year."

110. In its application to the city section 9 (Persons entitled to appeal) of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if— Lodging of appeals.

- (1) the words "not later than the third day of September lodge an appeal in writing with the assessor" were substituted for the words "six days at least before such appeal is heard intimate in writing to the assessor that he is to maintain such appeal" occurring therein; and
- (2) the following provisoes were added to that section:—

"and provided further—

"(a) that where an appellant at the hearing of an appeal refers to or leads evidence in respect of premises other than the premises referred to in such appeal and has not at least two days before the date on which the appeal is heard furnished in writing to the assessor the address of such premises the assessor may at the close of the case for the appellant make an

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“ application to the court for a continuation
“ of such hearing which application the court
“ shall grant if and so far as this can be done so
“ as to admit of the appeal being heard and
“ determined within the time prescribed by
“ this Act for the holding of such courts;
“ and

“ (b) that seven days at least before the
“ date fixed for the hearing of the appeal the
“ assessor shall by notice in writing intimate
“ to the appellant such date which notice
“ shall be accompanied by a copy of the
“ immediately preceding provision of this
“ section with regard to other premises pro-
“ posed to be referred to at such hearing ”;

so that that section shall subject always to any alteration
modification or amendment thereof made by any other
Act of Parliament in its application to the city read as
follows :—

“ All persons whose names shall have been
“ entered by the assessors in the valuation roll of
“ the county or burgh respectively whether as
“ proprietors or tenants or occupiers shall be
“ entitled to appeal to the said commissioners or
“ magistrates as the case may be with reference
“ to such entry. Provided always that the
“ appellant shall not later than the third day of
“ September lodge an appeal in writing with the
“ assessor and specify the amount of valuation
“ which he alleges should be substituted for
“ the amount stated by the assessor and pro-
“ vided further—

“ (a) that where an appellant at the hearing
“ of an appeal refers to or leads evidence
“ in respect of premises other than the
“ premises referred to in such appeal
“ and has not at least two days before
“ the date on which the appeal is heard
“ furnished in writing to the assessor
“ the address of such premises the

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“ assessor may at the close of the case
“ for the appellant make an application
“ to the court for a continuation of
“ such hearing which application the
“ court shall grant if and so far as this
“ can be done so as to admit of the
“ appeal being heard and determined
“ within the time prescribed by this Act
“ for the holding of such courts; and

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“ (b) that seven days at least before the date
“ fixed for the hearing of the appeal the
“ assessor shall by notice in writing
“ intimate to the appellant such date
“ which notice shall be accompanied by
“ a copy of the immediately preceding
“ provision of this section with regard
“ to other premises proposed to be
“ referred to at such hearing.”

111. Any factor agent or person acting for or in name or on behalf of a proprietor or tenant or occupier of lands and heritages who knowingly or wilfully presents or causes to be presented to the city assessor a false statement of the yearly rent or value of any such lands and heritages within the city belonging to or occupied by the proprietor or tenant or occupier for or in name or on behalf of whom he acts shall be guilty of an offence and shall be liable to the penalty imposed by the Valuation Acts upon proprietors tenants or occupiers of lands and heritages presenting or causing to be presented false statements to such assessor and such penalty shall be recovered and applied in the way and manner provided by the Valuation Acts.

Penalty
for making
false
returns.

112. The city rate shall be deemed to be due and payable as at the commencement of the year or period respectively in respect of which it is imposed but the Corporation may appoint such date (subsequent to the commencement of such year or period) as they may from time to time determine on or before which payment of the city rate will be accepted.

Date when
city rate
becomes
due.

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**Burgh
fund.**

B.—Burgh fund.

113.—(1) The Corporation shall continue to administer the burgh fund established by them in pursuance of the repealed Acts and there shall go to the burgh fund in each year the moneys grants and revenues following which moneys grants and revenues shall form part of the burgh fund (that is to say):—

- (a) The total moneys raised on account of the city rate and all other rates and assessments levied by the Corporation;
- (b) The total amount of Government grants contributions and other revenues received by the Corporation;
- (c) All moneys received by the Corporation on account of the revenues of the public utility undertakings (including the revenues of any reserve contingent depreciation or renewal fund of such undertakings) and on account of the revenues of all other undertakings or services carried on by the Corporation; and
- (d) The revenues of any insurance and other funds and all other revenues of the Corporation as rating authority.

(2) There shall be charged upon and be paid or satisfied out of the burgh fund—

- (a) All expenditure of the Corporation payable out of the produce of the city rate; and
- (b) All expenditure of the Corporation on revenue account in respect of the public utility undertakings and in respect of all other undertakings or services carried on by the Corporation.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

114. If in respect of any year the moneys received by the Corporation on account of the revenue of any undertaking or service of the Corporation for the time being exceed the moneys expended by the Corporation in respect of the expenses of that undertaking or service mentioned in paragraphs (a) (b) (c) (d) (e) (f) and (g) of subsection (1) of the section of this Order of which the marginal note is "Accounts" the Corporation may in that year (if they think fit) apply out of the revenues of the burgh fund a sum equal to the amount of such excess in any of the following ways:—

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Application
of revenue
of under-
takings.

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking or service;
- (b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking or service.

115.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings or services of the Corporation for the time being (each of which is in this section and the next succeeding section of this Order separately referred to as the "undertaking") on the one side all revenue in respect of the undertaking and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show in each case the amounts representing—

Accounts.

- (a) The working and establishment expenses and costs of maintenance of the undertaking;
- (b) The gas annuities in the case of the gas undertaking;
- (c) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (d) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking

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including in the case of the gas undertaking any sum set apart in respect of the gas undertaking in pursuance of section 128 (Contingent fund in respect of gas annuities) of the Order of 1937;

- (e) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (f) In the case of the tramway undertaking the amount (if any) applied and appropriated for the purposes of and in pursuance of the powers conferred on the Corporation by section 237 (Application of surplus tramway revenue) of the Order of 1937;
- (g) The amount (if any) carried to any reserve fund which the Corporation are from time to time authorised to maintain;
- (h) Any money applied out of the revenues of the burgh fund to any of the purposes mentioned in the section of this Order the marginal note of which is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which fall to be entered therein in order to show the financial position of the undertaking.

Reserve
fund.

116.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any undertaking as from time to time existing from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and investing the same subject to the provisions of the section of this Order of which the marginal note is "Burgh fund" in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of any other undertaking a sum not exceeding one-fifth of the aggregate capital expenditure of the Corporation in respect of such undertaking.

(2) Any reserve fund which has been formed for the purpose of any undertaking of the Corporation as from

time to time existing from which revenue is derived and which is in existence at the commencement of this Order shall be deemed to have been formed under this section and any moneys standing to the credit of any such reserve fund shall be carried to the credit of the reserve fund authorised by this section.

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(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners) for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the authorised or prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the authorised or prescribed maximum.

117.—(1) The following provisions shall notwithstanding anything in this Order or in any Act contained apply with respect to the electricity undertaking (in addition to the provisions of the section of this Order of which the marginal note is "Application of revenue of undertakings") (viz.):—

Provision
as to
surplus
electricity
revenue.

If in respect of any year the receipts shown under a separate heading or division in respect of the electricity undertaking by virtue of the section of this Order of which the marginal note is "Accounts" (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that

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year on the investments forming part of that reserve fund) exceed the total amount of the payments and expenses so shown then—

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure the Corporation shall fix such amount as they may think fit [not being less (in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking) than the difference between the said excess and that sum] and a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Corporation shall in every year so long as the electricity reserve fund provided by the Corporation is less than the prescribed maximum transfer to that fund out of the burgh fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the electricity reserve fund and carried to the burgh fund.

Head B of
Part VI
of Order
not to
apply in
respect of
common
good.

118. This Head of this Part of this Order shall not apply to or affect the revenues and expenditure of the common good except in so far as the provisions of this Head of this Part of this Order relate to the amount (if any) applied and appropriated to the common good in pursuance of section 237 (Application of surplus tramway revenue) of the Order of 1937.

C.—*Borrowing powers.*

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—cont.

119. Notwithstanding the repeal of the repealed Acts the provisions thereof so far as applicable shall continue to extend and apply as fully and effectually as if the Act confirming this Order had not been passed in respect of the amounts of money borrowed thereunder but only in so far as such amounts borrowed are outstanding and not paid off at the commencement of this Order.

Existing borrowing powers continued.

120. Nothing in this Order shall enable any power of borrowing to be exercised or any issue of capital to be made without compliance with the requirements of any regulation for the time being in operation under the Emergency Powers (Defence) Act 1939 or any order made under such regulation.

Saving for emergency restrictions on borrowing. 2 & 3 Geo. 6. c. 62.

121.—(1) Notwithstanding the repeal of the repealed Acts the Corporation may from time to time borrow for the purposes mentioned in the first column of the Sixth Schedule to this Order the respective sums mentioned in the second column thereof being the amounts they were authorised to borrow under the repealed Acts and which had not been borrowed by them as at the thirty-first day of May one thousand nine hundred and thirty-eight.

Borrowing powers.

(2) In addition to any money borrowed or authorised to be borrowed under subsection (1) of this section the Corporation under the authority of this Order may borrow with the sanction of the Secretary of State such sums of money as may require to be expended by the Corporation for any purpose authorised by the City Acts for which capital is properly applicable.

122. Subject to the provisions of this Order the period of redemption for sums borrowed by the Corporation in pursuance of the immediately preceding section of this Order for capital purposes shall not exceed the following—

Period for repayment of borrowed money.

(a) for new streets and bridges and the widening and improvement of existing streets and bridges and for lands in connection therewith fifty years;

(b) for the extension improvement and alteration of the town house or for new municipal buildings and for lands in connection therewith fifty years;

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- (c) for public libraries and for lands in connection therewith fifty years ;
- (d) for repaving and recausewaying streets and bridges fifteen years ;
- (e) for all other purposes thirty years except as may be otherwise provided under or in pursuance of any enactment.

Borrowing
for public
utility
under-
takings.

123.—(1) In addition to any money borrowed or authorised to be borrowed under the Order of 1937 in respect of the public utility undertakings the Corporation under the authority of this Order may borrow with the sanction of the Secretary of State such sums of money as may require to be expended for any purpose of the public utility undertakings for which capital is properly applicable.

(2) Money borrowed under the provisions of this section shall be wholly repaid within such period and by such method or methods as the Secretary of State may determine.

(3) The foregoing provisions of this section shall not apply to the electricity undertaking or affect the provisions of the Electricity (Supply) Acts 1882 to 1936 in regard to the borrowing of money for the purposes of an electricity undertaking.

Power to
reborrow.

124. If after having borrowed any sum under the provisions of the City Acts the Corporation pay off the same otherwise than by means of a sinking fund instalments or periodical repayments they may again borrow the amount so paid off and so from time to time.

Power to
borrow
tempor-
arily for
revenue
purposes.

125. The Corporation may from time to time borrow from any bank or any person for the purpose of providing temporarily for expenditure on revenue account in respect of any of the undertakings or services of the Corporation (other than the tramway undertaking) any sum or sums not exceeding in the whole two-thirds of the amount of the revenues anticipated to be received during the financial year in respect of any such undertaking or service And the Corporation may grant bonds bills or other vouchers for the money so borrowed Provided always that the Corporation shall within one year after the date of borrowing such sum or sums repay the same and the interest thereon out of the burgh fund.

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126. Subject to the provisions of this Order the Corporation shall in each year out of the burgh fund pay into the loans fund the amounts required in that year for redemption (according to the period of redemption in each case) of moneys borrowed for the various purposes of the Corporation by one or other of the following methods as the Corporation may see fit (that is to say) either by repaying an equal portion of principal every year or by means of equal annual instalments of principal and interest or by means of an accumulating sinking fund.

PART VI.
 —cont.
 Redemption of money borrowed.

127. No member of the Corporation or officer acting under the Corporation shall be personally liable for the repayment of any money borrowed by the Corporation.

Corporation and officers not to be personally liable.

128.—(1) Where the Corporation have any statutory borrowing power they may for the purpose of exercising such power raise all or any moneys which they are authorised to borrow by mortgage that is to say by deed containing an assignation of the funds rates and revenues of the Corporation.

Power to borrow on mortgage and form of mortgage.

(2) All mortgages to be granted by the Corporation may be in or near to the form contained in Part I of the Seventh Schedule to this Order and such mortgages may be renewed transferred and discharged by minutes of renewal transfer or discharge in or near to the forms contained in Parts II III and IV respectively of the said Seventh Schedule.

(3) A mortgage made and granted by the Corporation is and shall be moveable or personal estate and transmissible as such and shall not be deemed to be of the nature of heritable or real estate.

129.—(1) A register of mortgages made and granted by the Corporation shall be kept at the office of the city chamberlain and before any mortgage is delivered to the mortgagee the city chamberlain shall make or cause to be made in the said register of mortgages an entry of the following particulars (that is to say):—

As to register of mortgages.

- (i) The name and description of the mortgagee;
- (ii) The number and date of the mortgage;

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- (iii) The term of repayment; and
- (iv) The rate of interest;

and a certificate of registration shall be endorsed on the mortgage and signed by or on behalf of the city chamberlain.

(2) Every assignation of a mortgage whether made and granted by the Corporation before or after the commencement of this Order shall be intimated in writing to the city chamberlain and the person making the intimation shall produce therewith such mortgage and the assignation thereof and the city chamberlain shall make or cause to be made an entry in the said register of mortgages of the date of such assignation and of the names of the parties thereto and a certificate of registration signed by or on behalf of the city chamberlain shall be endorsed on the mortgage.

(3) On the renewal of a mortgage the city chamberlain shall enter or cause to be entered in the said register of mortgages the following particulars of such renewal (that is to say):—

- (i) The date of renewal;
- (ii) The term of repayment under such renewal; and
- (iii) The rate of interest for the period of the renewal.

(4) On the discharge of a mortgage the city chamberlain shall make or cause to be made in the said register of mortgages a note of such discharge and the date thereof.

(5) The whole expenses of and attending the making and granting of mortgages by the Corporation shall be payable out of the burgh fund.

Execution of mortgages.

130. Every mortgage made and granted by the Corporation after the commencement of this Order shall be validly executed notwithstanding any law or practice to the contrary if such mortgage is sealed with the common seal of the Corporation and signed by a member of the Corporation and by the town clerk.

Power to borrow by issue of bonds.

131.—(1) Where the Corporation have any statutory borrowing power they may for the purpose of exercising such power raise all or any moneys which

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they are authorised to borrow by the issue of bonds (to be called "Aberdeen Corporation bonds" and in this Order referred to as "bonds") in accordance with the provisions of this Order.

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 —cont.

(2) The provisions set out in the Eighth Schedule to this Order shall have effect with regard to bonds.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict.
 c. 9.
 7 Edw. 7.
 c. 13.
 54 & 55 Vict.
 c. 39.

(4) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

(5) Bonds shall be moveable or personal estate and transmissible as such and shall not be deemed to be of the nature of heritable or real estate.

132. The Corporation may borrow by way of temporary loan or bank overdraft or by means of a cash credit account with any bank any sums which they may require for the purposes of defraying temporarily expenses which they have passed a resolution to defray by means of a loan which they are authorised to raise.

Temporary
 loans &c.

133.—(1) The Corporation may issue along with any mortgage or bond granted by them under this Order and during the period of any postponement of the term of payment thereof interest warrants or coupons in the form set forth in the Ninth Schedule to this Order or to the like effect signed by the city chamberlain for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage or bond is intended to subsist.

Mortgages
 and bonds
 may be
 accom-
 panied
 with
 interest
 warrants
 or coupons.

(2) The delivery to the city chamberlain or to any other person on his behalf of any such interest warrant or coupon shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

134. Without prejudice to the provisions of Head D (Corporation stock) of this Part of this Order the Corporation may issue warrants as nearly as may

Payment
 of interest
 on Corpora-
 tion debt.

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be in the form set out in the Ninth Schedule to this Order or to the like effect signed by the city chamberlain for the periodical payment of the interest to become due upon the principal sums contained in any bond bill promissory note mortgage or other voucher granted or to be granted by or on behalf of the Corporation for moneys borrowed by them for the use and behoof or on account of the Corporation under the provisions of the City Acts or any other Act or Order during the period for which such bond bill promissory note mortgage or other voucher shall be intended to subsist or may subsist and the delivery to the city chamberlain or any person on his behalf of any such warrant duly stamped as a receipt shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

Temporary investment of money borrowed.

135. The Corporation may from time to time invest temporarily in statutory securities money raised by borrowing and not for the time being applied to or required for the purpose for which it was raised and shall from time to time credit the interest and annual proceeds of those securities to the loans fund.

Appointment of judicial factor.

136.—(1) In the event of any principal money borrowed or continued on loan by the Corporation under this Order or any interest or dividend thereon not being paid within two months after such payment is due and demand thereof is made in writing any creditor therein holding any document of debt or assignation thereof to the amount of five thousand pounds or any creditors therein holding together documents of debt or assignation thereof to the amount of ten thousand pounds may apply to the court of session for the appointment of a judicial factor and the court may appoint a judicial factor on such terms as it thinks fit.

(2) The judicial factor shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this Part of this Order into the loans fund and of assessing making and recovering all rates and revenues for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers

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and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this Part of this Order.

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—cont.

(3) For the purpose of this section the expression “document of debt” shall include—

Stock certificates mortgages bonds temporary loan receipts bills promissory notes or any other security for loans raised or issued by the Corporation.

137. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any security issued by the Corporation under the authority of the repealed Acts or of this Order or the money principal or interest thereby secured may be subject and the receipt of the person in whose name any such security stands in the books of the Corporation shall be a sufficient discharge to the Corporation for any money payable in respect of such security notwithstanding any trust to which the same or the money thereby secured may then be subject and the Corporation shall not be bound to see to the application of the money paid upon such receipt and the receipt of the person named in any such security or transfer thereof then surviving shall from time to time be a valid and sufficient discharge to the Corporation for the payment of the interest on such security.

Corporation not bound to regard trusts.

138. A person taking or holding any security issued by the Corporation under the authority of this Order shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this Order or whether or not the Corporation or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Corporation or committee thereof were legal or regular or to see to the application of any money borrowed or be answerable for any loss or misapplication thereof.

Protection of holders of Corporation securities.

139.—(1) If at any time any interest or dividend payable in respect of any security issued by the Corporation is unclaimed at the time for payment

Unclaimed dividends.

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thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2) When any interest or dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the security holder named in their books by the description and at the address therein appearing and shall also publish an advertisement in a newspaper circulating in the city stating that such interest or dividend remains unclaimed.

Establishment of loans fund.

140.—(1) The Corporation shall continue to administer the loans fund established by them in pursuance of the repealed Acts and the loans fund shall be applicable to all moneys borrowed or to be borrowed by the Corporation under statutory authority and the redemption or repayment thereof and the payment of interest or dividends thereon.

(2) The loans fund shall be applied and administered by the Corporation in accordance with the rules and regulations contained in the Tenth Schedule to this Order.

Saving for power to sell lands &c.

141.—(1) Nothing in or done under this Part of this Order shall affect any power or duty of the Corporation to feu sell lease or otherwise dispose of any land or property belonging to them.

(2) Such land or property shall in the hands of the purchaser or other person acquiring right to the same be by virtue of this Order absolutely freed from the charge of any security granted by the Corporation under this Order and such purchaser or other person shall not be concerned to see to the application of the purchase money or other money or be answerable for any loss or misapplication thereof.

D.—Corporation stock.

Creation of Corporation stock.

142.—(1) Where the Corporation have any statutory borrowing power they may from time to time for the purpose of exercising such power by resolution create

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redeemable stock and such stock may from time to time be issued for such amount within the limit of the borrowing power at such price and to bear such half-yearly or other dividends and to be transferable in books or by deed as the Corporation may by the resolution direct.

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—cont.

(2) The resolution for the creation of Corporation stock shall provide that such stock shall be redeemable by the Corporation at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Corporation by that resolution declare.

(3) Stock so created shall be designated "Aberdeen Corporation redeemable stock" and different issues of such stock may if the Corporation so resolve be further described by a reference to the rate of interest borne by such issue and to the years of issue and of redemption.

143. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money which the Corporation are for the time being authorised to raise under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond stock or other security granted or created by the Corporation.

Amount of stock to be issued according to price of issue.

144. All Corporation stock redeemed or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be extinguished.

Extinction of stock redeemed or purchased.

145.—(1) Where any mortgage bond stock or other security granted or created before or after the commencement of this Order under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount

Payment off or substitution for existing securities.

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thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or in Corporation stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

8 & 9 Vict.
c. 18.
8 Vict. c. 19.

(4) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 or in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 and thereby enabled to sell land thereunder such holder may consent to payment or redemption of or substitution for the money secured or represented by the security and may accept money for giving such consent as if the person so consenting were the absolute owner of the security and such person is hereby indemnified for so doing and his receipt shall be a good discharge.

(5) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

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146.—(1) The city chamberlain shall be the registrar for all or any of the purposes of the provisions relating to stock in this Head of this Part of this Order (in this Head of this Part of this Order referred to as "the registrar") Provided that the Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any of the provisions of this Part of this Order as they think expedient appoint and keep appointed some other person or any bank or a banker as registrar.

PART VI.
—cont.
Appoint-
ment of
registrar
of stock.

(2) The Corporation in relation to the provisions of this Head of this Part of this Order in regard to stock and the registrar shall be deemed a banker within the Bankers' Books Evidence Act 1879.

42 & 43 Vict.
c. 11.

147.—(1) The registrar shall keep a register (in this Head of this Part of this Order referred to as "the Corporation stock register") in which the names and addresses of holders from time to time of Corporation stock and the amounts held by them shall be entered.

Corporation
stock
register.

(2) The Corporation stock register shall be prima facie evidence of any matter entered therein in accordance with this Head of this Part of this Order and of the title of the persons entered therein as holders of stock.

148.—(1) On demand of a holder of Corporation stock the Corporation may give to him a certificate of the ownership thereof specifying the amount of Corporation stock to which he is entitled (in this Head of this Part of this Order referred to as a "stock certificate").

Certificates
of owner-
ship of
stock.

(2) Every stock certificate shall be sealed with the common seal of the Corporation and signed by the registrar.

(3) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assignees to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(4) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it

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and give a similar stock certificate to the person in whom the property in the stock certificate and in the stock therein specified is then vested.

(5) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction or on such conditions as they may deem expedient may give a similar stock certificate to the person entitled to the certificate lost or destroyed.

(6) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the Corporation stock register.

**Transfer
in books.**

149. If the resolution for any issue of Corporation stock makes that issue transferable in books the provisions of this section shall apply and have effect but not otherwise:—

- (1) The registrar shall keep books (in this Head of this Part of this Order referred to as “the Corporation stock transfer books”) wherein transfers of Corporation stock so transferable shall be entered:
- (2) Every such entry shall be in appropriate words for the purpose of transfer and shall be signed by the person making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness:
- (3) Where any bank are the registrar such bank may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the person making the transfer attested by two or more witnesses:
- (4) The person to whom a transfer is made may if he thinks fit underwrite his acceptance thereof:
- (5) Except as otherwise provided in any other enactment and subject to the provisions of this Head of this Part of this Order respecting any issue of Corporation stock which the resolution for creation thereof makes transferable by deed and not in books no mode of

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transferring Corporation stock other than that prescribed in this section shall be good in law. PART VI.
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150. If the resolution for any issue of Corporation stock makes that issue transferable by deed the provisions of this section shall apply and have effect but not otherwise:— Transfer by deed.

- (1) Every transfer of Corporation stock so transferable shall be by deed:
- (2) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever but this provision shall not prevent any of the parties to the transfer being described as a trustee or as possessing any official character:
- (3) The deed of transfer when duly executed shall be delivered to the registrar and the registrar shall cause the deed of transfer to be preserved in a register to be called the "register of transfers of Corporation stock":
- (4) The Corporation shall on demand and on surrender of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by the registrar shall be equivalent to a new stock certificate:
- (5) Until the deed of transfer has been so delivered to the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

151.—(1) The registrar before allowing any transfer of stock may if the circumstances of the case appear to him to make it expedient require evidence of the title of any person claiming a right to make the transfer. Evidence on transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other

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—cont. Corporation may require.

Closing of
transfer
books.

152.—(1) The Corporation or the registrar with the approval of the Corporation may as regards any issue of Corporation stock close the Corporation stock transfer books or the register of transfers of Corporation stock (as the case may be) on any day in the month next before that in which dividends on that issue of Corporation stock are payable but so that such books or register be not at any time kept closed for more than twenty-one days.

(2) The persons who on the day of closing are registered as stockholders shall as between them and the transferees of Corporation stock be entitled to the dividend next payable thereon.

Stamp duty
on transfer.

153. Unless the Corporation have compounded for stamp duty at the date of the resolution for any issue of Corporation stock all stock issued by the Corporation in pursuance of such resolution shall notwithstanding anything in any such resolution be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Transmis-
sion on
death &c.

154.—(1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) The registrar shall not be required to allow any executors or administrators to transfer any stock until the confirmation or probate of the will or the letters of administration has or have been produced to the registrar for registration.

(3) If the interest in any Corporation stock has been transmitted in consequence of the bankruptcy of a stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar may require.

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(4) The name and address of the person entitled under the transmission shall be entered in the Corporation stock register.

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(5) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and a person claiming by virtue thereof shall not be entitled to receive any dividend on the stock.

(6) In this section the expression "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

155. The Corporation may pay by the registrar the dividends on Corporation stock.

Payment of
dividends.

156. The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if they or he think fit require proof to their or his satisfaction of the title of any person claiming a right to receive the dividend and evidence of such title shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar may require.

Evidence
of title.

157.—(1) Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the registrar by any other of them.

Dividends
to joint
holders.

(2) Where Corporation stock is standing in the name of a person of limited contractual capacity jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand of the person not under disability attested by two or more credible witnesses but the registrar before acting on the letter of attorney may if he thinks fit require proof to his satisfaction of the alleged incapacity by a statutory declaration.

158.—(1) Unless where otherwise desired by a stockholder in writing his dividend warrant shall be sent to him by post to the address given by him to the registrar.

Dividend
warrants
by post.

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(2) The posting by the registrar of a letter containing a dividend warrant addressed to a stockholder at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

45 & 46 Vict.
c. 61.

(3) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Provisions
respecting
stock certifi-
cates with
coupons to
bearer.

159.—(1) On demand of a stockholder the Corporation or the registrar may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for redemption of the stock.

(2) A stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this Head of this Part of this Order.

(4) The bearer of a Corporation stock certificate to bearer may on delivery up to the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the Corporation stock register as transferable and shall become and again be transferable in the Corporation stock transfer books or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(5) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be

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paid in respect of the stock therein specified for such period as the Corporation approve.

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(6) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(7) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(8) Where any bank are the registrar coupons shall be payable at the chief establishment of the bank at the expiration of three clear days from the day of presentation and at any branch establishment of the bank at the expiration of five clear days from the day of presentation.

(9) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and surrender thereof may cancel it and issue a new certificate or coupon.

(10) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(11) All coupons issued under this section in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(12) Corporation stock specified in a stock certificate to bearer shall be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same

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incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable in books or by deed.

**Nature of
Corpora-
tion stock
Notice of
trusts.**

160.—(1) Corporation stock is moveable or personal property.

(2) Notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall not be entered in the Corporation stock register or in any other record or book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or shall affect the Corporation through the registrar or otherwise but this provision shall not prevent any stockholder from being described as a trustee or as possessing any official character.

Forms.

161. The forms set out in the Eleventh Schedule to this Order may be used for the purposes of this Head of this Part of this Order as indicated in the said Eleventh Schedule and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

162.—(1) Fees not exceeding those specified in the Twelfth Schedule to this Order may be taken by or on behalf of the Corporation in the cases therein mentioned.

(2) Subject to the provisions of the City Acts the proceeds of fees chargeable by the Corporation in pursuance of this Head of this Part of this Order shall be paid by the Corporation into the loans fund.

Forgery.

24 & 25 Vict.
c. 98.
33 & 34 Vict.
c. 58.

163.—(1) Corporation stock shall be deemed capital stock of a body corporate within the meaning of the Forgery Act 1861 as amended and extended to Scotland by the Forgery Act 1870.

(2) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the meaning of the Forgery Act 1870.

**Regula-
tions by
bank.**

164. Where any bank are the registrar such bank may with the sanction of the Corporation from time to

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time issue any forms that may be required for carrying into effect the provisions of this Head of this Part of this Order and may also from time to time make any regulations that are not inconsistent with this Head of this Part of this Order relative to the following matters and any such regulations for the time being in force shall be duly observed:—

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—cont.

- (a) The period for which coupons are to be given;
- (b) The mode in which the bank are to act in issuing stock certificates to bearer or entering in transfer books the bearers of stock certificates to bearer;
- (c) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate to bearer;
- (d) With respect to anything necessary for carrying into effect the provisions of this Head of this Part of this Order which relate to or affect the bank.

165. Notwithstanding anything in this Head of this Part of this Order the Corporation may revoke at any time in whole or in part any resolution for the creation of Corporation stock passed by them if and so far as the same has not been acted on by the issue of stock thereunder.

Saving for
power of
revocation.

E.—General.

166. Notwithstanding anything in any Act or Order contained the Corporation may invest in statutory securities any reserve contingent depreciation renewal superannuation or other funds belonging to or held by them on account of or in connection with any of the undertakings or services administered by them or under their control.

Investment
of reserve
funds &c.

167.—(1) The Corporation shall continue to maintain and carry on the city improvements fund established by them before the commencement of this Order.

City im-
provements
fund.

(2) All accrued revenues arising from any of the improvements referred to in paragraph (ii) of subsection (3) of this section in the hands of the Corporation

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as at the commencement of this Order shall be carried to the credit of the city improvements fund and shall form part of the said fund.

(3) There shall in each year be paid into the city improvements fund the following amounts (that is to say) :—

(i) Such sum out of the free surplus revenue of the tramway undertaking as the Corporation may determine in pursuance of section 237 (Application of surplus tramway revenue) of the Order of 1937;

(ii) All moneys derived by the Corporation in respect of the lands and properties acquired by them for the improvements authorised and carried out under the provisions of (a) the Aberdeen Extension and Improvement Act 1883 (b) the Aberdeen Improvement Confirmation Act 1884 (c) the Aberdeen Improvement Provisional Order Confirmation Act 1896 and (d) the Aberdeen City Improvements Order 1904 respectively remaining in the hands of the Corporation after all expenditure incurred by the Corporation in connection with the said lands and properties respectively has been met and after all money borrowed by the Corporation for the purposes of such improvements respectively has been paid off;

(iii) All moneys derived by the Corporation from or in respect of the lands and properties vested in the Corporation and referred to in the accounts of the Corporation for the year 1937-1938 as "General purposes properties" and remaining in the hands of the Corporation after meeting all expenditure incurred by them in connection with the said lands and properties.

(4) The Corporation shall from time to time utilize the moneys standing to the credit of the city improvements fund in defraying the cost of carrying out any improvements which they may deem expedient.

168.—(1) The Corporation may if they think fit establish a fund to be called "the insurance fund" with

46 & 47 Vict.
c. lx.
47 & 48 Vict.
c. cviii.
59 & 60 Vict.
c. vi.
4 Edw. 7.
c. clxxxvii.

Insurance
fund.

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a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

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- (i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging to or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (v) Risks of mechanical or electrical breakdown at or in connection with any of the undertakings or services of the Corporation;
- (vi) Risks of loss due to infidelity of officials of the Corporation;
- (vii) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

43 & 44 Vict.
c. 42.
15 & 16
Geo. 5. c. 84.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums

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—cont.

which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) If the Corporation insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund amounts to two hundred thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below two hundred thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of two hundred thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid from the burgh fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or service of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(6) Except as far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be required to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Order) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amount to the sum of two hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the burgh fund.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the

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Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may borrow at interest under and subject to the provisions of this Order such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the burgh fund.

169.—(1) Notwithstanding anything contained in any enactment the Corporation may from the burgh fund as part of the expenditure in respect of such undertakings or services of the Corporation as the Corporation may deem appropriate defray the expenses of the lord provost arising out of or incidental to the discharge of his office as lord provost.

Expenses
 of lord
 provost.

(2) The amount of such expenses to be defrayed under the provisions of this section shall not exceed the limit prescribed by the section of this Order of which the marginal note is "Limits of rates not to be exceeded."

(3) The powers conferred on the Corporation by this section shall not be exercised with respect to any year if there is free surplus on revenue account in that year available in the common good to meet such expenses.

170.—(1) The Corporation may from the burgh fund as part of the expenditure in respect of such undertakings or services of the Corporation as the Corporation may deem appropriate pay—

Power to
 subscribe to
 hospitals
 &c. and
 pay
 expenses of
 public
 ceremonies
 &c.

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or of public utility undertakers or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government or public utility undertakings and any reasonable expenses of the

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attendance of any members or officers of the Corporation at conferences or meetings of the said associations or any of them and of purchasing reports and contributing towards the expenses of any such conferences or meetings and in the inspection by the Corporation and others of the undertakings works institutions and property of the Corporation or in the opening or inauguration thereof;

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the city and of conferences or representative bodies meeting in the city;

(c) on the conferring of the freedom of the city on any person and in providing suitable entertainment addresses and gifts on such occasions;

(d) (i) reasonable subscriptions whether annually or otherwise not exceeding in the whole five hundred pounds in any one year to the funds of any hospital infirmary nursing institution society for benefit of boys girls men women sailors soldiers and airmen or other institute of a similar character or of any home or club which is established in the city for the care of boys and girls and which is mainly supported by voluntary subscriptions or of any house of refuge or other charitable institution; and

(ii) reasonable subscriptions not exceeding in the whole one hundred pounds in any one year in aid of clubs and other institutions established in or connected with the city for the purposes of rendering national or public services.

(2) The total amount to be paid for the purposes mentioned in subsection (1) of this section shall not exceed the limit prescribed by the section of this Order of which the marginal note is "Limits of rates not to be exceeded."

3 & 4 GEO. 6. *Aberdeen Corporation* Ch. iii.
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Act, 1940.

(3) The Corporation may supply water gas and electricity at such reduced charges as they may think fit to hospitals infirmaries and similar institutions occupied mainly for the purposes of public charity.

PART VI.
—cont.

171. The Corporation may in carrying out the powers duties and obligations conferred or imposed upon them under the City Acts incur such reasonable expenditure as they may think fit Provided that the amount to be expended under the provisions of this section shall not in the case of any undertaking or service of the Corporation exceed any limitation or amount prescribed by the City Acts with respect to such undertaking or service.

Provisions
as to
additional
expendi-
ture.

172. The Corporation shall cause to be kept records of account showing all revenue and expenditure and all outstanding balances due to or by them.

Records of
account.

173.—(1) Subject to the provisions of this Order the Corporation shall cause to be made out yearly from the said records just and accurate accounts of all revenue and expenditure and of all outstanding balances due to or by them with balance sheets applicable thereto on account of—

Yearly
accounts to
be made
out.

(a) the common good; and

(b) the burgh fund.

(2) Notwithstanding anything to the contrary contained in any Act or Order the accounts of the Corporation shall be made out for the year ending on the thirty-first day of May immediately preceding.

(3) The said accounts with the balance sheets applicable thereto are hereinafter in this Part of this Order referred to as "the accounts."

174.—(1) In every case in which the Corporation or the magistrates or any number of them are the sole trustees for any charity foundation or mortification the accounts relative to such charity foundation or mortification shall be kept distinct from the other accounts kept by the Corporation.

Trust
funds
under
manage-
ment of
Corpora-
tion.

(2) The Corporation shall cause to be made out yearly accounts relative to such charity foundation or

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Act, 1940.

PART VI.
—cont.

mortification and all the statutory provisions relative to the preparation audit submission to the Corporation and inspection of the accounts and rights of appeal in respect thereof shall apply to the accounts of such charity foundation or mortification Provided that for the purposes of this section the several sums received for the upkeep of graves vaults and headstones may be the subject of one account.

Applica-
tion of
statutory
provisions
relating to
accounts
and audit.

45 & 46 Vict.
c. 59.
18 & 19
Geo. 5. c. 30.

175. The provisions of this Part of this Order and of section 15 of and the Third Schedule to the Local Government (Scotland) Act 1929 shall apply to the audit of the accounts of the Corporation and all other provisions relating to accounts and audit contained in any other Act so far as existing at the commencement of this Order shall no longer be applicable to the accounts of the Corporation Provided that any account subject to be dealt with under the provisions of an order as to audit made in terms of section 19 of the Educational Endowments (Scotland) Act 1882 or of section 15 of the Educational Endowments (Scotland) Act 1928 shall continue to be dealt with in accordance with the provisions of such order.

Accounts
to be laid
before
Corpora-
tion.

176. The accounts as the same shall have been audited in accordance with the provisions of the Third Schedule to the Local Government (Scotland) Act 1929 together with the auditor's report thereon shall be laid before a meeting of the Corporation to be held not later than the fifteenth day of October in each year and the accounts shall if and as approved by the Corporation be signed by the lord provost or preses of such meeting the town clerk and the city chamberlain and shall be deposited with the city chamberlain.

Saving for
existing
securities.

177. Nothing in or done under this Part of this Order shall affect any existing security created or granted by the Corporation or their authors before the commencement of this Order.

Saving for
gas
annuities.

178. Nothing in this Part of this Order shall prejudice or affect the provisions of Head E—Gas annuities—of Part III (Gas) of the Order of 1937.

PART VII.

AUTHORISED STREET IMPROVEMENTS AND BRIDGE
WORKS.

A.—Authorised street improvements.

179. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown upon the deposited plans and the deposited sections the street improvements hereinafter described with all proper works and conveniences connected therewith.

Power to
make
authorised
street
improve-
ments.

The street improvements hereinbefore referred to are :—

Originally authorised by the Aberdeen Corporation Order 1930 and shown as Works Nos. 1 to 7 on the deposited plans and deposited sections so far as relating to that Order—

Work No. 1 A widening and improvement of Broad Street on the south-west side thereof throughout its length from Union Street to Upperkirkgate;

Work No. 2 A widening and improvement of Upperkirkgate on the south side thereof from Gallowgate to St. Nicholas Street;

Work No. 3 A new street from Justice Street to the Queen's Links and the Seabeach (including the construction of a bridge over the London and North Eastern Railway) to be formed by the widening and improvement of Albion Street and Bannermill Road and a prolongation thereof across the said links to the esplanade;

Work No. 4 An alteration of the levels of Hanover Lane;

Work No. 5 An alteration of the levels of Fish Street Lane;

Work No. 6 An alteration of the levels of Cross Street;

Work No. 7 An alteration of the levels of Bannermill Place:

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(*Administration Finance &c.*) *Order Confirmation*
Act, 1940.

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—*cont.*

Originally authorised by the Aberdeen Corporation Order 1934 and shown as Works Nos. 1 to 11 on the deposited plans and deposited sections so far as relating to that Order—

Work No. 8 A widening and improvement of Queen's Road on the north side thereof and of Springfield Road on the south-west side thereof at the junction of those roads commencing in Queen's Road at a point opposite its junction with Hazledene Road and terminating in Springfield Road at a point 32 yards or thereabouts north-west from the junction of that road with Queen's Road;

Work No. 9 A widening and improvement of Springfield Road on the north-east side thereof and of Queen's Road on the north side thereof at the junction of those roads commencing in Springfield Road at a point 17 yards or thereabouts north-west from the junction of that road with Queen's Road and terminating in Queen's Road 33 yards or thereabouts south-east from the point of commencement;

Work No. 10 A widening and improvement of Western Road on the north side thereof throughout its length between Grandholm Street and Great Northern Road;

Work No. 11 A widening of Back Hilton Road on the north side thereof commencing at a point 14 yards or thereabouts eastward from its junction with Hilton Street and Westburn Drive and terminating at a point 47 yards or thereabouts eastward from the point of commencement;

Work No. 12 A widening and improvement of Holburn Street Justice Mill Lane and the lane leading from Justice Mill Lane to Union Glen commencing in Holburn Street at a point opposite the junction of Union Grove with that street and terminating in the said lane leading from Justice Mill Lane to Union Glen at a point 4 yards or thereabouts south of the junction of that lane with Justice Mill Lane;

Work No. 13 A widening of Justice Mill Lane on the north side thereof commencing 72 yards or thereabouts eastward from the junction of that lane with Holburn Street and terminating 30 yards or thereabouts eastward from the point of commencement;

Work No. 14 A widening and improvement of Justice Mill Lane on the north and south sides thereof and of Hardgate on the west side thereof commencing in Justice Mill Lane at a point 104 yards or thereabouts westward from the junction of that lane with Hardgate and terminating in Hardgate at a point 67 yards or thereabouts southward from the said junction;

Work No. 15 A widening and improvement of Hardgate on the south side thereof and of Bon-Accord Terrace on the west side thereof and of Bon-Accord Street on the west side thereof commencing at a point 18 yards or thereabouts south-west from the junction of Hardgate with Justice Mill Lane and terminating at a point 7 yards or thereabouts east of the junction of Hardgate with Bon-Accord Street;

Work No. 16 A widening and improvement of Fountainhall Road on the east side thereof and of Beechgrove Terrace on the south side thereof commencing in Fountainhall Road at a point 18 yards or thereabouts southward from its junction with Beechgrove Terrace and terminating in Beechgrove Terrace at a point 18 yards or thereabouts eastward from the said junction;

Work No. 17 A widening and improvement of Causewayend on the north-east side thereof and of Mounthooly on the west side thereof at the junction of those streets commencing in Causewayend at a point opposite the junction of Causewayend with Catherine Street and terminating in Mounthooly at a point 34 yards or thereabouts north from its junction with West North Street;

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—cont.

Work No. 18 A widening and improvement of Mounthooly on the east side thereof and of West North Street on the north-east side thereof and of Nelson Street on the north-west side thereof at the junction of those streets commencing in Mounthooly at a point 34 yards or thereabouts north from its junction with West North Street and terminating in Nelson Street at a point 33 yards or thereabouts north-eastward from its junction with West North Street.

Notwithstanding anything contained in this Order or shown on the deposited plans the road forming part of authorised street improvement Work No. 3 above described where constructed on the Queen's Links shall not exceed sixty feet in width and buildings shall not be erected along the frontage lines of the road and fences or walls shall not be erected separating the road from the links except such fences as may in the opinion of the Corporation be necessary to prevent vehicles from being driven from the road on to the links.

Power to
close
courts &c.

180. The Corporation may in making the authorised street improvements close and discontinue as public streets thoroughfares or public places the following streets lanes and courts to the extent shown on the deposited plans:—

In connection with authorised street improvements Works Nos. 1 and 2 Guestrow Union Lane Stewart's Place Quakers Court Duthie's Court Mitchell's Court Thornton Place Thornton Court Milner's Court Shepherd's Court Grant's Court and Barnett's Close but Barnett's Close shall not be closed unless and until the Corporation have provided in substitution therefor a new footway from Broad Street to Flourmill Lane; and

In connection with authorised street improvement Work No. 3 Wales Street and Hanover Place; and the site and soil thereof when closed and discontinued shall be and the same are hereby vested in the Corporation freed and discharged from the public use thereof and all rights of way over the same shall cease:

Provided that any such street or portion of street lane court or place shall not be closed unless the Corporation are owners in possession of all houses and lands having doorways or ways abutting thereon except so far as the owners lessees and occupiers of those houses and lands may otherwise agree :

PART VII.
—cont.

Provided also that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

181.—(1) Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Corporation may in connection with the authorised street improvements and for the purposes of this Order execute or do any of the following works or things (namely):—

Subsidiary works in connection with authorised street improvements.

- (a) Make junctions and communications with any existing streets intersected or interfered with by the authorised street improvements or contiguous to them or any of them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of the authorised street improvements or otherwise ;
- (b) Execute any works for the protection of any adjoining land or buildings ;
- (c) Execute any works and do any things necessary for the strengthening and supporting of any adjoining buildings ; and
- (d) Raise lower alter divert close or otherwise interfere with any tramway drain sewer channel gas or water main pipe conduit or electric cable wire or apparatus within the said limits providing a proper substitute before interrupting the traffic on any such tramway or the flow of sewage in any drain sewer or channel or of gas or water in any main pipe or conduit or of electricity or of telegraphic or telephonic communication in any cable wire or apparatus :

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—*cont.*

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise lower alter divert stop up or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Corpora-
tion may
form
carriage-
ways
footways
gardens
and cellars.

182. The Corporation may in making the authorised street improvements—

(a) cause such parts of the streets improved or made under the powers of this Head of this Part of this Order to be laid out and formed for carriageways and such parts thereof for foot passengers as they may think fit;

(b) lay out enclose and maintain as gardens or open spaces any lands for the time being belonging to them (including the site of any portion of an existing street lane court or place closed under the powers of this Head of this Part of this Order) adjacent to the streets improved or made under the powers of this Head of this Part of this Order; and

(c) construct erect and provide on in or under any lands acquired for the purpose of the authorised street improvements such vaults cellars arches sewers drains pipes conduits for pipes and wires and other works and conveniences as they may think proper.

Limits of
deviation
for autho-
rised street
improve-
ments.

183. In the construction of the authorised street improvements the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet.

Temporary
stoppage
of streets.

184.—(1) The Corporation may during and for the purpose of the execution of the authorised street improvements break up and also temporarily close divert and interfere with any street lane or court and may for any reasonable time prevent all persons other than those bona fide going to or from any house in the street lane or court from passing along and using such street lane or court.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house.

PART VII.
—cont.

185. Whereas in the execution and maintenance of the authorised street improvements in order to avoid injury to the houses and buildings within one hundred feet of any of the authorised street improvements it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Under-
pinning of
walls of
houses.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk:
- (3) If any owner lessee or occupier of any such house or building or the Corporation (as the case may require) within seven days after the giving of such notice gives or give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers:
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter

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PART VII.
-cont.

referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation shall proceed forthwith so to underpin or strengthen the said house or building:

- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (6) In every case in which any house or building has been underpinned or strengthened on the requisition of the Corporation and such underpinning or strengthening proves inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation the Corporation shall (unless such underpinning or strengthening has been done in pursuance of and in the mode prescribed by the referee) make compensation to the owners lessees and occupiers of such house or building for such injury provided that the claim for compensation in respect of such injury is made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

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(9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

PART VII.
—cont.

186.—(1) The Corporation shall in constructing the bridge forming part of authorised street improvement Work No. 3 provide for the accommodation of telegraphic lines of the Postmaster-General a space ten inches wide and one foot six inches deep in one of the footways of the said bridge.

Protection for Postmaster-General in respect of authorised street improvements.

(2) The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted for the reasonable approval of the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General has not intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

B.—Authorised bridge works.

187. Subject to the provisions of this Order the Corporation may in the lines and according to the levels shown on the deposited plans and sections construct the bridge across the river Dee and works connected therewith hereinafter described with all necessary and proper works connected therewith The works hereinbefore referred to and originally authorised by the Aberdeen Corporation Order 1936 and shown as bridge Works Nos. 1 to 5 on the deposited plans and deposited sections so far as relating to that Order are situate wholly in the city and are—

Power to construct authorised bridge over river Dee at Allenvale.

Work No. 1 A widening and improvement of Whinhill Road on the east and west sides thereof and of Allenvale Road on the east side thereof commencing in Whinhill Road at its junction with Murray Terrace and terminating in Allenvale Road at its junction with Riverside Drive;

Work No. 2 An alteration to the levels of Allenvale Road commencing at a point in

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—*cont.*

Work No. 1 hereinbefore in this section described at the junction of that road with Whinhill Road and terminating at a point 70 yards or thereabouts westward from the point of commencement;

Work No. 3 An alteration to the levels of Riverside Drive commencing at a point 95 yards or thereabouts west of the junction of Riverside Drive with Allenvale Road and terminating at a point 200 yards or thereabouts east of the said junction;

Work No. 4 A new bridge over the river Dee commencing in Riverside Drive at its junction with Allenvale Road and terminating at the point of commencement of the intended new street or road (Work No. 5) hereinafter in this section described on the south side of the river Dee at a point 145 yards or thereabouts south-westward from the point of commencement;

Work No. 5 A new street or road commencing at the point of termination of the new bridge (Work No. 4) hereinbefore in this section described and terminating in Stonehaven Road at a point 108 yards or thereabouts south-east from the south end of Bridge of Dee.

Subsidiary works in connection with authorised bridge works.

188. The Corporation may in connection with the authorised bridge works alter the levels of the existing roadways and approaches to the authorised bridge works and for the purposes thereof make junctions and communications with any existing streets and roads which may be intersected or interfered with by or be contiguous to the authorised bridge works or such alterations or deviations of approaches or other works and conveniences in connection with the same respectively as may be necessary or expedient and may also make and maintain such temporary approaches landing places and works as may be necessary or expedient.

Subsidiary works affecting river Dee.

189. Subject to the provisions of this Order the Corporation may in connection with the authorised bridge works construct place and maintain in the

3 & 4 GEO. 6. *Aberdeen Corporation* Ch. iii.
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river Dee and on the banks bed and foreshore thereof all such temporary piles fenders booms dolphins pontoons caissons stagings coffer dams embankments piers abutments walls fences drains stairs buildings and other works and conveniences as may be necessary or expedient.

PART VII.
 —cont.

190. In the construction of the authorised bridge works the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and three feet downwards Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister of Shipping.

Limits of deviation in respect of authorised bridge works.

191. The powers by this Order granted to the Corporation for executing the authorised bridge works shall cease on the first day of January one thousand nine hundred and forty-five except as to so much thereof as is then completed.

Period for completion of authorised bridge works.

192. The provisions contained in the sections of this Order of which the marginal notes are hereinafter set forth shall so far as applicable extend and apply in respect of the authorised bridge works as if the said provisions were with the necessary modifications re-enacted in this Head of this Part of this Order (that is to say):—

Application of certain provisions of Head A of Part VII of Order to authorised bridge works.

“ Subsidiary works in connection with authorised street improvements ”;

“ Corporation may form carriageways footways gardens and cellars ”;

“ Temporary stoppage of streets ”; and

“ Underpinning of walls of houses.”

193.—(1) Notwithstanding anything contained in the Order of 1938 or in the agreement between the late Miss Elizabeth Crombie Duthie of Ruthrieston of the first part and the lord provost magistrates and town council of the royal burgh and city of Aberdeen of the

Provision as to part of Duthie Park.

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(*Administration Finance &c.*) *Order Confirmation*
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PART VII.
—cont.

41 & 42 Vict.
c. 8.

second part scheduled thereto or in any disposition or other deed relating to Duthie Park as defined in the Order of 1938 the Corporation may utilise the strip of ground forming part of the said park shown on the deposited plans for the purposes of authorised bridge Work No. 1 or so much of the said strip of ground as may be required for the said purposes and the said strip of ground or such part thereof as is so required as aforesaid shall thereupon cease to form part of the said park and the provisions of the Order of 1938 and of the Public Parks (Scotland) Act 1878 so far as applicable to the said park shall cease to apply to the said strip of ground or part thereof as aforesaid.

(2) No action at law shall lie against the testamentary trustees of the said late Miss Elizabeth Crombie Duthie in consequence of the provisions of this section.

Accommo-
dation for
post office
telegraphs.

194.—(1) The Corporation shall in constructing authorised bridge Work No. 4 provide for the accommodation of telegraphic lines of the Postmaster-General a space twenty-five inches wide by twenty-five inches deep in one of the footways of the said bridge.

(2) The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted for the reasonable approval of the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

For protec-
tion of
Crown
salmon
fishings.

195. The Corporation shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or his tenants in respect of his right of salmon fishing through the exercise of their powers in connection with the authorised bridge works and if the amount of such compensation is not agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Crown

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Lands and the other by the Corporation or of an
oversman to be named by the said arbiters to act in
the event of their differing in opinion and the
Arbitration (Scotland) Act 1894 shall apply to any
arbitration under this section.

PART VII.
—cont.

57 & 58 Vict.
c. 13.

PART VIII.

LANDS.

A.—General.

196.—(1) The Corporation may from time to time
as they think fit by agreement purchase feu or lease
or arrange for the use of any lands or other property
situated within or beyond the city for or in connection
with any of the purposes of the City Acts.

Lands for
purposes of
City Acts.

(2) Subject to the provisions of the City Acts
the Corporation may sell feu lease or otherwise
dispose of on such terms as they may determine any
lands buildings or other property belonging to them
and held by them for any statutory purpose Provided
that the Corporation shall not (unless the Secretary of
State otherwise directs) sell feu lease or otherwise
dispose of any of the lands to which this section applies
except at the best price or on the best terms which can
be obtained for the same but a purchaser or lessee shall
not be concerned to inquire whether the direction of
the Secretary of State is necessary or has been obtained.

(3) The proceeds of any sale under the provisions
of this section shall only be applied to purposes to
which capital is properly applicable including the
redemption of debt.

197. Subject to the provisions of this section the
Corporation may for the purposes of constructing
thereon (a) public lavatories and conveniences
(b) shelters and other accommodation for passengers
on their tramcars and trolley vehicles and on public
service vehicles and (c) police boxes kiosks and
telephone pillars and apparatus from time to time and

Acquisition
of small
areas of
land for
municipal
purposes.

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PART VIII.
—cont.
22 & 23
Geo. 5. c. 49.

subject to the restrictions in Part II of the Third Schedule to the Town and Country Planning (Scotland) Act 1932 purchase and take compulsorily any areas of land in the city not exceeding in the case of any area one thousand superficial yards in extent which they may deem it expedient so to acquire and the Corporation may make an order authorising them to purchase and take compulsorily any such area which order shall be submitted to the Secretary of State for confirmation by him in accordance with the provisions (so far as they are applicable) of the said schedule and that schedule with any necessary modifications shall have effect for the purposes of this section Provided that this section shall not apply to any land or property belonging to the county council of the county of Aberdeen or belonging to a railway company and forming part of their undertaking or to any land or property belonging to the Aberdeen Harbour Commissioners.

As to
Kepplehills
Moss.

198.—(1) Whereas in virtue of a charter granted by King Robert the Bruce to the burgesses and community of the burgh of Aberdeen dated the tenth day of December in the fourteenth year of the reign of that Monarch (one thousand three hundred and nineteen) the Corporation are the owners of an area of land situated in the parish of Newhills and county of Aberdeen known as Kepplehills Moss extending to forty decimal four acres or thereby (hereinafter referred to as "Kepplehills Moss") And whereas certain owners of adjoining lands and others are accustomed to take peats feals and divots from and to graze cattle and other stock on and to use for other purposes Kepplehills Moss although doubts exist as to the rights of such owners and others so to do And whereas it is expedient that Kepplehills Moss should be held by the Corporation free from any rights of peat feal or divot or of grazing or otherwise and that the further powers in this section contained should be conferred on the Corporation with respect to Kepplehills Moss Now therefore Kepplehills Moss shall vest in the Corporation for and on behoof of the common good free from all rights (if any) of peat feal or divot or of grazing or otherwise whatsoever now vested in or

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exercised by any person with respect to Kepplehills Moss : PART VIII.
—cont.

Provided that the Corporation shall make compensation to any person whose rights (if any) with respect to Kepplehills Moss are taken away under the provisions of this section and the amount of such compensation shall failing agreement be determined by arbitration under the provisions of the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

(2) The Corporation may exercise with respect to Kepplehills Moss any of the powers conferred on them by the Order of 1938 with respect to the parks as defined in the Order of 1938 Provided that any byelaws with respect to Kepplehills Moss made under the provisions of this section shall before confirmation be subject to the reasonable approval of the county council of the county of Aberdeen.

199. All private rights of way over any lands which the Corporation are authorised by this Order to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation : Extinction
of private
rights of
way.

Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

200. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent charges feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Persons
under
disability
may grant
servitudes
&c.

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PART VIII.

—cont.
Corporation
may take
down build-
ings and lay
out lands
anew and
sell or let
those not
required.

201. The Corporation may subject in all respects to the provisions and for the purposes of the City Acts take down the whole or such part as they think fit of the buildings situated on any of the lands acquired by or vested in them under the authority of the City Acts and sell and dispose of the materials thereof and may subject to the provisions of the City Acts lay out the said lands anew in such way and manner as they may deem best and may by public auction or private bargain resell feu out or grant leases of such portions of the lands and the buildings thereon which they may acquire as aforesaid as may not be required or used for the purposes of the City Acts on such terms and subject to such conditions as they may determine and for such prices feu duties ground annuals rents or other consideration as they can obtain for the same and may in like manner sell such feu duties and ground annuals and generally may deal with the lands and buildings acquired by them as aforesaid under the City Acts as absolute proprietors thereof.

General im-
provements.

202. The Corporation may from time to time purchase or acquire by agreement such lands in or adjacent to the city as they shall think suitable for public buildings or other works of a permanent character or such general improvements as may be conducive to the amenity of the city or the promotion of the health convenience and recreation of the inhabitants and may lay out form and maintain such works and improvements with all proper and necessary accesses thereto or maintain or contribute towards the maintenance of land or buildings provided for such purposes by any person whatever.

Power to
afforest
lands.

203. The Corporation may plant with trees any land vested in them which they may deem suitable for afforestation and the exercise of the power conferred by this section shall be deemed to be a purpose to which capital may be applied.

Alienation
of common
good pro-
perty to be
by public
roup.

204.—(1) Notwithstanding anything contained in any enactment the Corporation shall except as hereinafter in this section provided cause all feus alienations or leases for more than seven years of any lands and

heritages forming part of the common good to proceed by public roup of which public notice shall be given by advertisement published once weekly for at least three weeks immediately preceding the day of roup in a local newspaper circulating in the city and all such feus alienations or leases made otherwise than as provided in this section shall be null and void.

PART VIII.
—cont.

(2) A certificate by the publisher of such newspaper of the appearing of the said advertisement shall be sufficient evidence of such publication and of the date thereof.

(3) The provisions of this section shall not apply with respect to any transfer of any lands and heritages forming part of the common good to any department of the Corporation and any such lands and heritages may be transferred to any such department subject to payment by such department for behoof of the common good of the value of such lands and heritages as such value may be fixed by an arbiter to be appointed by the Corporation.

B.—Lands for authorised street improvements and bridge works.

205. Subject to the provisions of this Order the Corporation may enter upon take and use for the purposes of this Order such of the lands delineated on the deposited plans and described in the deposited books of reference as they may require for or in connection with the construction of—

Compulsory
acquisition
of lands.

(a) the authorised street improvements and for the provision of space for the erection of buildings adjoining or near to the authorised street improvements; and

(b) the authorised bridge works:

Provided that nothing in this Order contained shall authorise the Corporation for the purposes of the authorised bridge works to enter upon take use or affect any railways or property belonging to the London and North Eastern Railway Company without the consent of that company.

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PART VIII.

—*cont.*
Correction
of errors in
deposited
plans and
books of
reference.

206. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff clerk of the county in which the lands are situated and the duplicate thereof with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and deposited books of reference shall be deemed to be corrected according to such certificate and the Corporation may enter upon take and use the lands in accordance with such certificate.

Period for
compulsory
purchase of
lands.

207.—(1) The powers of the Corporation for the compulsory purchase of lands for the purposes of the authorised street improvements Works Nos. 1 to 7 shall cease upon the first day of October one thousand nine hundred and forty-four.

(2) The powers of the Corporation for the compulsory purchase of lands for—

(a) the purposes of the authorised street improvements Works Nos. 8 to 18; and

(b) the authorised bridge works;

shall cease upon the first day of January one thousand nine hundred and forty-three.

Owners may
be required
to sell parts
only of
certain
properties.

208.—(1) Whereas in the construction of the authorised street improvements and the authorised bridge works respectively it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the

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remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

PART VIII.
—cont.

- (i) The owner of and persons interested in any of the properties whereof the whole or part is described in the Thirteenth Schedule to this Order and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";
- (ii) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner fails to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (iii) If within such twenty-one days the owner by notice in writing to the Corporation alleges that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (iv) If the tribunal determine that the portion of the scheduled property specified in the notice

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PART VIII.
—cont.

to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

- (v) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner;
- (vi) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;
- (vii) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation if they do not withdraw the notice to treat shall pay to the owner all charges and expenses reasonably and properly

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incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

PART VIII.
—cont.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

209. In settling any question of disputed purchase money or compensation payable under this Order by the Corporation the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created—

Compensation in case of recently altered buildings.

(a) in the case of the authorised street improvements Works Nos. 1 to 7 after the first day of November one thousand nine hundred and twenty-nine;

(b) in the case of the authorised street improvements Works Nos. 8 to 18 after the twenty-seventh day of March one thousand nine hundred and thirty-four;

(c) in the case of the authorised bridge works after the first day of October one thousand nine hundred and thirty-five;

if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Order.

210. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Order of any part of the lands of any person the enhancement in value of the

Benefits to be set off against compensation.

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—*cont.*

adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the construction of any of the authorised street improvements or of the authorised bridge works or arising through such adjoining lands becoming lands fronting on any new street in consequence of the construction of the authorised street improvements or of the authorised bridge works shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to
enter upon
property for
survey and
valuation.

211. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings authorised by this Head of this Part of this Order to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings.

Power of
entry.

212. At any time after notice to treat has been served for any land which the Corporation are by this Head of this Part of this Order authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Power to
reinstate
owners of
property.

213. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Head of this Part of this Order or which may be in the neighbourhood of any of the authorised street improvements or of the authorised bridge works with respect to the reinstatement of such owners or other persons and with respect to the exchange

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of lands for that purpose and the Corporation may pay or receive money for equality of exchange. PART VIII.
—cont.

214. Any lands purchased or taken by the Corporation under this Head of this Part of this Order and laid out into any street shall thereafter form part of such street and be a public highway and shall after the completion thereof be and become vested in the Corporation to the same extent and effect as the other streets or roads within the city are now vested in them. Land
thrown into
streets to
be public
highway.

215. In addition to the lands shown on the deposited plans and described in the deposited books of reference the Corporation may purchase by agreement in connection with and for the purposes of the authorised street improvements and the authorised bridge works any lands not exceeding in the whole twenty acres. Acquisition
of lands by
agreement.

PART IX.

MISCELLANEOUS.

216.—(1) The Corporation may from the burgh fund as part of the expenditure in respect of such undertakings or services of the Corporation as the Corporation may deem appropriate pay or contribute to the cost of— Power to
advertise
concerts
entertain-
ments &c.

(a) providing and maintaining advertisements, at railway stations and public places in the city and on tramcars and public service vehicles plying in the city or between the city and other places and in newspapers published in Scotland of any band performances concerts sports or other entertainments exhibitions swimming contests athletic meetings regattas or amusements provided given or carried on by or in connection with the Corporation or in buildings or premises belonging to or leased by them;

(b) advertising the general amenities advantages and attractions of the city and adjoining areas.

(2) The amount to be paid or contributed by the Corporation under the powers of this section shall not

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—*cont.*

exceed the limit prescribed by the section of this Order of which the marginal note is "Limits of rates not to be exceeded."

As to new streets.

217.—(1) A new street shall not be constructed formed or laid out except in conformity with such conditions as the Corporation may impose with respect to—

- (a) the formation of inset streets (including footways) or of lanes parallel to or to or from such new street or otherwise or of other secondary means of access to buildings;
- (b) the convenient communication of such new street with other streets;
- (c) the proper drainage of such new street and buildings fronting the same;
- (d) the carrying off of surface water;
- (e) suitability for traffic;
- (f) the preservation of the amenity of the locality in which such new street is situated; and
- (g) the period within which the construction formation or laying out of such new street shall be completed.

(2) For the purposes of this section the words "building" "lane" "new street" and "street" have the meanings respectively assigned to them in the Order of 1936.

Amendment of section 52 of Order of 1936.

218. The Order of 1936 shall be read and have effect as if the following section were substituted for section 52 (External elevation of buildings &c.) thereof:—

" 52.—(1) If having regard to the nature and
" situation of the site of any building or buildings
" proposed to be erected re-erected or altered or to
" the character of any buildings erected or in
" course of erection in the neighbourhood of such
" site the character or appearance of the building
" or buildings proposed to be erected re-erected
" or altered would be injurious to amenity whether
" on account of the proximity to other buildings
" the elevation or design or the materials to be
" used or the undue repetition of the design or

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—cont.

“ otherwise the Corporation may order such altera-
“ tions to be made in regard to the elevation or
“ design or materials as they may deem necessary
“ or expedient and may require the plan referred
“ to in the section of this Order of which the
“ marginal note is ‘ Notice of new buildings and
“ plan thereof to be given to Corporation ’ to be
“ amended accordingly :

“ (2) Any person against whom any order of
“ the Corporation under the provisions of this
“ section has been made may within fourteen
“ days from the date of such order make a répre-
“ sentation in writing thereon to the Corporation
“ who shall transmit such representation to the
“ standing committee hereinafter in this section
“ mentioned within seven days On such repre-
“ sentation being made the standing committee
“ shall give such person as aforesaid and the
“ Corporation an opportunity of being heard and
“ shall thereafter confirm or rescind such order
“ or confirm such order subject to such variation
“ or alteration as they think fit :

“ (3) For the purpose of exercising the powers
“ conferred on them by this section a standing
“ committee of four members shall be constituted
“ for the city of whom one member shall be
“ nominated by the Secretary of State one member
“ shall be nominated by the Royal Scottish
“ Academy one member shall be nominated by
“ the Royal Incorporation of Architects in
“ Scotland and one member shall be nominated
“ by the Corporation but shall not be a member or
“ official of the Corporation :

“ (4) The provisions of this section shall not
“ apply to hoardings for advertisements.”

219.—(1) For the purpose of protecting the amenity
of the following streets in the city (that is to say) Union
Street Castle Street and Union Terrace the Corporation
shall be entitled by notice under the hand of the city
engineer to call upon the owner of any building fronting
or abutting any such street to carry out within six months
from the date of the notice such cleaning of the external

Provision as
to external
cleaning of
buildings
in certain
streets.

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—cont.

elevation of such building so far as fronting or abutting any such street as to them seems reasonable and as may be specified in such notice.

(2) Any such owner aggrieved by any requirement of the Corporation under this section may appeal within fourteen days from the date of such notice to the standing committee referred to in section 52 (External elevation of buildings &c.) of the Order of 1936 and such standing committee shall have power to determine the matter of the appeal and shall make such order thereon confirming quashing or varying the notice of the Corporation as they think fit.

(3) Any person who fails to comply with any notice of the Corporation (or in the case of appeal any order of the said standing committee) shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to main-
taining
certain open
spaces.

220.—(1) Where any person or group of persons (hereinafter in this section referred to as "such person") is the owner or occupier of or is under obligation to maintain any grass plot or shrubbery or ornamental or other area (hereinafter in this section referred to as "the area") such person shall keep and maintain the area in a clean and tidy condition and so as not to affect detrimentally the amenity of the neighbourhood.

(2) Where such person neglects or refuses to maintain the area as aforesaid the Corporation may after giving seven days' notice to such person of their intention so to do cause such area to be cleaned and tidied and to be put in such condition as shall not affect detrimentally the amenity of the neighbourhood and the expenses incurred by the Corporation in respect thereof shall be refunded to them by such person and shall subject to the provisions of the City Acts be recoverable from such person as damages.

(3) This section shall not apply to a garden used exclusively in connection with and as an appurtenance to a dwelling-house.

Power to
close part of
Longacre.

221. The Corporation may close permanently that part (extending to two hundred and ten feet or thereby in length) of the street in the city known as

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Longacre lying between West North Street and a line drawn across Longacre in continuation of the north-east side of the Spur Road connecting Shoe Lane with Longacre and thereupon all rights of way over the said part of Longacre shall cease and be extinguished.

PART IX.
—cont.

222. Section 36 (Period for compulsory purchase of lands) of the Order of 1937 shall be read and have effect as if the word "forty-one" were omitted therefrom and the word "forty-four" were substituted therefor.

Extension of time for compulsory purchase of lands.

223.—(1) (a) It shall not be lawful for any person to open or keep open or suffer to be kept open any place for public refreshment between the hours of eight o'clock in the evening and five o'clock in the morning or at any time on a Sunday unless such person and such premises are registered by the Corporation who are hereby required to keep a register for that purpose in which they shall enter the names of applicants and premises without charge.

Registration hours of opening &c. of places of public refreshment.

(b) Any person who offends against the provisions of this subsection shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) Any person who either by himself or by any servant or agent without a permit from the magistrates opens or keeps open or sells or supplies provisions or refreshments for consumption in or at or allows provisions or refreshments to be consumed in or at any place for public refreshment before five o'clock in the morning on any day or after ten o'clock in the evening on any Sunday in the months of June July August and September or after eight o'clock in the evening on any Sunday in any other month or after half-past eleven o'clock in the evening on any other day shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for a first offence and to a penalty not exceeding twenty pounds in the case of a second or subsequent offence :

Provided that the hours mentioned in this subsection may subject to the approval of the Secretary of State be varied by the Corporation :

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—*cont.*

Provided further that the provisions of this subsection shall not extend or apply to any place for public refreshment within the Aberdeen joint passenger station (exclusive of the station yard thereof) used mainly for the supply of refreshments to railway passengers or employees.

(3) (a) It shall not be lawful for any person to keep any place for public refreshment registered under the provisions of this section unless the following requirements are complied with (that is to say):—

- (i) Such place shall not have any internal communication with or be used as any private dwelling-house or living-room or any public billiard room;
- (ii) The part or parts of such place where refreshments are served shall not be divided into compartments or sitting-rooms by partitions or other such structures and every window and glass-panelled door shall be kept free from obstruction of any kind calculated to impede the light; and
- (iii) The kitchen or other part of such place in which articles for consumption are prepared or kept or stored shall not be used for the service of customers.

(b) Any person failing to comply with the provisions of this subsection shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

(4) (a) The medical officer of health or the sanitary inspector or any duly authorised officer of the Corporation (who must exhibit his authority if required) may inspect any place for public refreshment which is required to be registered under the provisions of this section and the occupier keeper or other person having charge thereof shall give admission thereto at any time to the medical officer of health or sanitary inspector or such officer.

(b) Any occupier or keeper or other person having the charge of such premises who does not admit the medical officer of health or sanitary inspector or such officer and allow him to make the inspection shall

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be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

PART IX.
—cont.

(5) For the purposes of this section "place for public refreshment" includes any vehicle or stall or erection or building or part of a building or other place of public resort for the sale for the consumption thereat or therein of provisions or refreshments of any kind (including ice-cream (as defined in section 23 (Registration &c. of dealers in ice-cream and preserved food and their premises) of the Order of 1938) confectionery fruit and aerated waters) but does not extend to any public house certificated under the Licensing (Scotland) Act 1903 during the hours when exciseable liquor may be consumed on sale therein or any hotel certificated under the Licensing (Scotland) Act 1903 or any premises in respect of which a licence or other sanction or permit for a special occasion is in force issued in virtue of specific powers conferred on the Magistrates or the Corporation by any enactment.

3 Edw. 7.
c. 25.

(6) The powers contained in this section shall be in addition to the powers conferred on the Corporation and the magistrates respectively by and shall not derogate from the provisions of section 23 (Registration &c. of dealers in ice-cream and preserved food and their premises) and section 245 (Hours within which provision shops shall not be kept open) of the Order of 1938.

(7) As from the commencement of this Order the byelaws made by the Corporation under the powers of section 82 of the Burgh Police (Scotland) Act 1892 as amended by the Burgh Police (Scotland) Amendment Act 1911 in so far as inconsistent with the foregoing provisions of this section shall be repealed.

1 & 2 Geo. 5.
c. 51.

224. The bridge across the river Don at Persley and access roads thereto constructed in pursuance of the repealed Acts shall be maintained and upheld by and at the expense of the county council of the county of Aberdeen Provided always that the said obligation to maintain and uphold the said bridge and access roads shall be subject to the provisions of the Roads and Bridges (Scotland) Act 1878 and the Local Government (Scotland) Acts 1889 to 1929.

Mainten-
ance of
bridge at
Persley.

41 & 42 Vict.
c. 51.

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—cont.

Provisions
as to super-
annuation
scheme for
employees
of certain
institutions
&c.

1 Edw. 8. &
1 Geo. 6.
c. 69.

225. If in the opinion of the Corporation any institution or body is carrying out or contributing towards the carrying out of any function or service in respect of the carrying out of which statutory powers are vested in the Corporation the Corporation and any such institution or body may enter into an agreement for the purpose of providing that the Local Government Superannuation (Scotland) Act 1937 shall apply to the employees of such institution or body as if such institution or body were undertakers within the meaning of section 5 of that Act and service of any employee with any such institution or body before the appointed day under any such agreement may for the purposes of any such agreement be reckoned as if it were service with a local authority.

Road at
Bridge of
Don to
continue
vested in
Corporation
as part of
esplanade.

226. Notwithstanding anything contained in any enactment the street or road authorised by and constructed under the powers of the repealed Acts commencing at King Street and terminating on the links by a junction with the esplanade shall continue to be vested in and maintained by the Corporation as part of the esplanade and the Corporation may exercise with respect to the said street or road all or any of the powers vested in them by the City Acts with respect to the esplanade and the said street or road.

Power to
require
water-
closets &c.
to be
provided
in certain
cases.

227.—(1) The owner of any house which is not supplied or in the opinion of the Corporation is inadequately supplied with suitable and efficient sink and watercloset accommodation waste pipes and soil pipes or any of them shall when required by notice by the Corporation provide fit up and maintain such sinks waterclosets waste pipes and soil pipes or any of them as the Corporation may consider necessary and as may be specified in the notice.

(2) All sinks waterclosets waste pipes and soil pipes shall be kept in proper order and repair to the satisfaction of the Corporation and the owner when required by notice by the Corporation shall execute such repairs thereon as the Corporation may consider necessary and as may be specified in the notice.

(3) Every watercloset to be constructed after the commencement of this Order shall be placed in

such a position that one of its sides shall be an external wall with a window therein containing an area of at least four superficial feet one half of which shall be made to open or in the case of a watercloset placed next to the roof the same may be lighted and ventilated therefrom to the satisfaction of the Corporation and every sink to be constructed after the commencement of this Order shall be fitted up at a window or other well lighted and ventilated place.

PART IX.
—cont.

(4) Where any watercloset or sink has been constructed in any house before the commencement of this Order and is not in conformity with the provisions of this section as regards position or otherwise the owner when required by notice from the Corporation shall make such alterations as the Corporation may deem necessary and as may be specified in the notice in order that such watercloset or sink shall thereafter be in conformity with the provisions of this section.

(5) The owner of any house who as provided in this section is required by the Corporation to provide or fit up a sink or watercloset waste pipe or soil pipe or any of them shall execute such works to the satisfaction of the Corporation within one month after notice in writing for that purpose given by the Corporation to him and in default thereof the Corporation shall cause such works to be executed so nevertheless that the cost of executing such works shall not without the written consent of the owner exceed two-thirds of the gross annual value of such house as entered in the valuation roll and the expense incurred thereby if not forthwith paid by the owner shall be recoverable in the manner provided by section 160 (Recovery of expenses from owners) of the Order of 1936.

(6) The provisions of subsection (3) of section 217 (Water and waterclosets) of the Order of 1938 shall extend and apply with respect to any notice given by the Corporation under the provisions of this section.

228. The agreement entered into between the Corporation and the Aberdeen Harbour Commissioners dated the twelfth day of December one thousand eight hundred and ninety and set forth in the Fourteenth Schedule

Continuing
agreement
with Aber-
deen Har-
bour Com-
missioners.

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—cont.

to this Order shall continue in force and remain binding on the parties thereto.

Continuing agreement with the Great North of Scotland Railway Company.

229. The agreement entered into between the Corporation and the Great North of Scotland Railway Company (now the London and North Eastern Railway Company) dated the fifteenth and twentieth days of October one thousand eight hundred and ninety and set forth in the Fifteenth Schedule to this Order shall continue in force and remain binding on the parties thereto.

Continuing agreement with London and North Eastern Railway Company.

230. The agreement as set forth in the Sixteenth Schedule to this Order made between the London and North Eastern Railway Company of the first part and the Corporation of the second part with respect to the rebuilding of Castle Terrace Bridge over that company's railway in the city shall continue in force and remain binding on the parties thereto.

Continuing agreement with City of Aberdeen Land Association Limited.

231. The minute of agreement between the Corporation and the City of Aberdeen Land Association Limited as set forth in the Seventeenth Schedule to this Order shall continue in force and remain binding on the parties thereto.

Continuing agreement as to construction of road.

232. The minute of agreement between the Corporation on the one part and the Corporation of the Royal Infirmary and Lunatic Asylum of Aberdeen (now the Corporation of the Royal Infirmary and Mental Hospital of Aberdeen) and the Trustees of the late Mrs. Charlotte Munro or Sim of Cornhill on the other part as set forth in the Eighteenth Schedule to this Order shall continue in force and remain binding on the parties thereto.

Continuing agreement with Caledonian Railway Company and Great North of Scotland Railway Company.

233. The agreement dated the twentieth day of April one thousand nine hundred and three and made between the Caledonian Railway Company (now the London Midland and Scottish Railway Company) and the Great North of Scotland Railway Company (now the London and North Eastern Railway Company) of the one part and the Corporation of the other part and set forth in the Nineteenth Schedule to this Order shall continue in force and remain binding upon the parties thereto.

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234. Except where otherwise provided in this Order the following provisions and enactments contained in the Order of 1936 shall so far as applicable extend and apply in reference to the provisions of this Order as fully and effectually as if those sections had with any necessary modification been re-enacted in and formed part of this Order (that is to say):—

PART IX.
—cont.
Application
of City
Acts.

- Section 150 (Penalty for refusing entry or inspection to be made);
- Section 151 (As to service of notice on owners and occupiers);
- Section 152 (Corporation in default of owner or occupier may execute works and recover expenses);
- Section 153 (Occupier in default of owner may execute works and deduct expenses from his rent);
- Section 154 (How expenses are to be recovered from owner or occupier);
- Section 155 (Power to levy charges on occupier who may deduct same from rent);
- Section 156 (Occupier not to be liable for more than amount of rent due);
- Section 157 (Corporation may allow time for repayment by owner or occupier of improvement expenses &c.);
- Section 158 (Proceedings in case of tenants opposing execution of Order);
- Section 159 (Recovery of damages under Order);
- Section 166 (Penalty on persons obstructing officers in their duty);
- Section 167 (Penalty where no penalty is otherwise stated).

235. Except where otherwise provided in this Order the provisions and enactments contained in the City Acts relating to the prosecution of offences and the recovery of penalties under the City Acts shall so far as applicable extend and apply in reference to offences and penalties under this Order.

Prosecution
of offences
&c.

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PART IX.
—cont.
Application
of fines and
penalties.

236.—(1) All fines penalties forfeitures damages and expenses directed to be paid or imposed by the City Acts or by the Acts incorporated therewith (excepting any penalties which may be thereby imposed upon the Corporation and any damages sums of money or expenses specially provided by the City Acts to be payable to or recoverable by any person to whom the same may be awarded) shall notwithstanding anything to the contrary in the City Acts or in such Acts contained be paid to the city chamberlain and where such fines penalties forfeitures damages and expenses (excepting as aforesaid) are recoverable before the magistrate the same shall in the first instance be paid to the clerk of the police court who shall enter the same in a book to be kept for the purpose (which shall be at all times open to the inspection of the city chamberlain) and such clerk shall once every month at least pay over such fines penalties forfeitures damages and expenses as have been received by him to the city chamberlain.

(2) All fines penalties forfeitures damages and expenses exigible by the Corporation under the City Acts or any Act incorporated therewith shall when recovered be paid into the burgh fund and be dealt with by them in the manner provided in the City Acts.

(3) Nothing in this section shall apply to fines penalties forfeitures damages or expenses recovered in the sheriff court.

Revocation
of byelaws.

237. Without prejudice to any other power in that behalf the Corporation may with the approval of the Secretary of State by resolution revoke any byelaws in force in the city made in pursuance of any Act repealed by the City Acts or any other enactment.

For protec-
tion of
London
and North
Eastern
Railway
Company.

238. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):—

(1) The Corporation shall not for the purposes of authorised street improvements Works Nos. 1 to 7 take or acquire by compulsion any lands

or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitudes in under over or upon the lands property and works of the company as may be required for constructing and maintaining authorised street improvement Work No. 3 including the removal of the existing bridge belonging to the company (hereinafter in this section referred to as "the said work") The Corporation shall not without the previous consent in writing of the company enter upon or interfere with any lands property or works of the company further or otherwise than may be necessary for constructing and maintaining the said work The purchase money and compensation to be paid by the Corporation to the company for the acquisition of the said servitude or right shall failing agreement between them be settled in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement but the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 shall not apply to such settlement :

- (2) In constructing maintaining and using the said work the Corporation shall carry out the work so as not to injure or interfere with the use of the company's railway for railway traffic either during or after the construction of the said work or cause any interruption to the traffic on such railway :
- (3) Before commencing the construction of the said work the Corporation shall submit to the company plans sections working drawings and specifications thereof (the said plans to provide for a bridge of a span sufficient to allow two lines of rails to be laid and worked under the same) so far as affecting the property of the company showing the lines and levels and the manner in which the said work is to be constructed for the approval of the company which approval shall not be unreasonably

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withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval :

- (4) The said work so far as affecting the said railway shall be constructed carried on and completed in strict conformity with the plans sections working drawings and specifications so approved or deemed to have been approved by the company or in the event of difference as the same shall have been settled by the arbiter to be appointed as hereinafter in this section provided at the sole risk and cost of the Corporation and under the supervision (if given) and to the reasonable satisfaction of the company and the said work shall be maintained repaired or renewed by the Corporation on the lines and levels shown on the said plans sections and working drawings and as described in the said specifications at their sole risk and cost and under the supervision (if given) and to the reasonable satisfaction of the company :
- (5) If having regard to the proposed position of the said work when considered in relation to the position of the works of the company at any point where electric telegraphic telephonic or signalling apparatus belonging to or maintainable by the company is situated on over or under the said railway it is advisable in the opinion of the company that such apparatus should be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works as certified by their engineer shall be borne by the Corporation :
- (6) The Corporation shall in the construction alteration maintenance renewal or use of the said work provide suitable and convenient access or accesses to any railway or work or property of the company :
- (7) Brackets or other apparatus shall not be attached to any property of the company without the previous consent of the company :

- (8) Any works which the Corporation may desire to have carried out in so far as they may affect or interfere with the safe running of the traffic on the railway of the company shall if the company so require be executed by the company at the reasonable expense of the Corporation but the company shall not be entitled to carry out any works at the expense of the Corporation unless the Corporation have previously approved of the plans and specifications thereof and of an estimate of cost. If the company intend so to execute such works they shall give to the Corporation notice of their intention and shall commence execute and complete the said works with all reasonable dispatch. Provided that unless the company give the said notice to the Corporation within twenty-one days after receiving from the Corporation the plans sections and specifications hereinbefore prescribed the Corporation may in accordance with such plans sections and specifications and under such supervision as aforesaid themselves proceed to execute the works :
- (9) If the company hereafter requires to widen or alter their railway where it will be crossed by the bridge carrying Albion Street over their railway the Corporation shall afford to the company all reasonable and proper facilities for doing so consistent with due provision being made for the continuance of the traffic across such bridge :
- (10) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company by or by reason of the execution alteration or failure of the said work or by reason of any act or omission of the Corporation or their contractors or of any person in the employ of either of them and the Corporation shall effectually indemnify the company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :

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—cont.

- (11) The Corporation shall on demand pay to the company the reasonable expense incurred by the company of and in connection with the supervision by their engineer of the said work and of and in connection with the employment by the company during the execution alteration repair or renewal by the Corporation under this Order of any work affecting the company's railway or other work belonging to the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for preventing any interference obstruction danger and accident from any of the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them :
- (12) Nothing contained in Part VII (Authorised street improvements and bridge works) of this Order shall impose any obligation upon or enlarge any existing obligation of the company to maintain strengthen adapt alter or reconstruct any road maintainable by them or any bridge with the immediate approaches and all other necessary works connected therewith maintainable by them :
- (13) Any question or difference between the Corporation and the company arising under this section (not herein left to the decision of the engineer of the company) shall be referred to and determined by an arbiter to be appointed failing agreement by the sheriff.

General
saving for
Aberdeen
Harbour
Commis-
sioners.

239. Nothing in this Order contained shall prejudice take away diminish alter or abridge any statutory or other rights powers privileges jurisdictions or authorities acquired by vested in or enjoyed by the Aberdeen Harbour Commissioners to in or over the port and harbour of Aberdeen (as defined by the Aberdeen Harbour Act 1895) and such rights powers privileges jurisdictions and authorities shall continue to be held exercised and enjoyed by the Aberdeen Harbour Commissioners as if the Act confirming this Order had not been passed subject to any statutory or other rights powers privileges jurisdictions and authorities acquired by vested in or

enjoyed by the Corporation before the commencement of this Order.

PART IX.
—cont.

240.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Minister of Shipping under the hand of a secretary or some person authorised by the said Minister to act in that behalf and subject to such restrictions and regulations as the said Minister may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Minister of Shipping.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister of Shipping may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

241. If at any time the Minister of Shipping deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by the Corporation under the powers of this Order which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

Survey of works by Minister of Shipping.

242.—(1) Where any work constructed by the Corporation under the powers of this Order and situated wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Shipping may by notice in writing either require the Corporation at their own expense to repair and restore such part of

Abatement of work abandoned or decayed.

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such work as is situated below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Shipping may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situated above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister of Shipping may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Minister of Shipping may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

**Crown
rights.**

243. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree 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 Crown Lands or of the Minister of Shipping respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Shipping as the case may be on behalf of His Majesty first had and obtained for that purpose.

**Repeal of
Acts.**

244. Subject to the provisions of this Order the Acts and Orders specified in the Twentieth Schedule

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to this Order are (so far as not already repealed) hereby repealed to the extent mentioned in the third column of that schedule and on and after the commencement of this Order all references to the repealed Acts or any of them in the City Acts and in any other Acts and Orders shall be read and have effect as if this Order or any Act or Order amending the same were mentioned therein instead of the repealed Acts or any of them.

PART IX.
—cont.

245. The adoption by the Corporation before the commencement of this Order of the undermentioned provisions of the Burgh Police (Scotland) Act 1892 and of the Burgh Police (Scotland) Act 1903 (which relate to matters in respect of which there are corresponding provisions in this Order) shall from the commencement of this Order be deemed to be rescinded and such provisions shall not in virtue of such adoption apply to the city (that is to say) :—

Rescission
of adoption
of Burgh
Police
(Scotland)
Acts.

BURGH POLICE (SCOTLAND) ACT 1892.

Section 79. (Declaration by constable).

Section 80. (Powers of constables).

Section 83. (Power to detach constables to other places).

Section 90. (Chief constable may appoint temporary substitute).

Section 96. (Magistrates may appoint special constables).

Section 97. (Roll of special constables to be kept).

Section 98. (Special constables to be on duty under chief constable).

BURGH POLICE (SCOTLAND) ACT 1903.

Section 45. (Fractions of a pound not to be reckoned in assessing).

Section 82. (Icecream shops &c. to be registered).

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PART IX.
—cont.
General
saving from
effect of
repeal.

246. Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts or anything contained in the two immediately preceding sections of this Order—

- (a) all existing agreements made by the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;
- (b) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if the Act confirming this Order had not been passed;
- (c) all actions arbitrations submissions prosecutions and proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Order in execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by with or against the Corporation as if the Act confirming this Order had not been passed;
- (d) all existing byelaws rules regulations orders licences registrations consents sanctions and approvals and things done in execution of or in relation to or granted in pursuance of any of the Acts repealed by the *Aberdeen City Acts 1936 to 1939* shall continue in force

until repealed altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;

PART IX.
—cont.

- (e) all assessments rates rents tolls charges and other sums at the commencement of this Order due to the Corporation under or in respect of any of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed;
- (f) all books registers deeds plans documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed.

247. The costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh fund in such manner as the Corporation may determine.

Costs of
Order.

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The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE

DESCRIPTION OF THE BOUNDARIES OF THE CITY.

Commencing at a point on high-water mark (ordinary spring tides) south of Greg Ness opposite the point known as the "Needles Eye" thence south-westward along high-water mark to a point east of the March Stone near and south-west of "Needles Eye" thence westward to the March Stone thence in a straight line westward crossing the London Midland and Scottish Railway to the March Stone on Doonies Hill thence westward along the March Dyke to Baron's Cairn on Tullos Hill thence south-westward in a straight line along the said March Dyke to Cat Cairn thence westward along the said March Dyke to the north end of the service road leading to Nigg post office thence south-westward along the south-east side of the said service road and in a straight line in continuation thereof to and across Wellington Road and south-westward along the south-east side of the road leading from Nigg post office to the main Stonehaven Road (Route A.92) to a point opposite the east side of the service road leading to the Parkhead Quarry worked by the county council of the county of Kincardine thence across the said road to a point 75 yards north-west of the north-west side of the said road thence south-westward on a line parallel to and distant 75 yards from the north-west side of the said road to a point 75 yards north of the north side of the service road leading to Craighill Farm thence westward on a line parallel to and distant 75 yards from the north side of the said service road to a point 75 yards eastward of the east side of the said main Stonehaven Road thence northward on a line parallel to and distant 75 yards from the east side of the said road for a distance of 200 yards or thereby thence due westward to and across the said road to the west side thereof thence northward along the west side of the said road for a distance of 235 yards or thereby to a stone dyke on the north of South Damhead Farm thence westward along the said dyke to the parish boundary between Nigg and Banchory-Devenick parishes thence northward along the said parish boundary to the north side of a service road on the north of Stonedykes Farm thence westward along the north side of the said service road to the point where it meets a line drawn parallel to and 75 yards to the east of the public road named the Tollochill Road thence north-eastward and northward along the said

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line until it meets the South Deeside Road thence westward along the centre of the said road to the point where the said road crosses the Burn of Leggart thence north-westward along the centre of the said burn and in a straight line in continuation thereof to the centre of the river Dee thence westward along the centre of the river Dee to a point opposite the private road leading to Kaim House thence northward in a straight line to the east side of the said private road and along the east side of the said private road to the north side of Garthdee Road opposite the junction of the said private road with Garthdee Road thence westward north-westward and south-westward along the north side of Garthdee Road to the stone dyke 240 yards or thereby westward of the west side of the road leading from Garthdee Road to Pitfodels station thence north-westward along the said stone dyke to the south side of the London and North Eastern Railway (Deeside section) thence eastward along the south side of that railway for a distance of 33 yards or thereby thence north-westward crossing the said railway in a straight line to the North Deeside Road opposite the junction of that road with a road known as Bairds Brae connecting that road with Airyhall Road thence across the North Deeside Road and along the east side of Bairds Brae to the north side of Airyhall Road thence south-westward along the north side of Airyhall Road to a point 75 yards or thereby west of the west side of the road connecting Airyhall Road and Craigton Road thence north-westward along an imaginary line drawn at a distance of 75 yards or thereby on the west side of and parallel to the said road connecting Airyhall Road and Craigton Road thence south-westward along an imaginary line drawn at a distance of 75 yards or thereby on the south side of and parallel to Craigton Road until the said imaginary line meets the east boundary wall of Cliff House thence north-westward along the said boundary wall to and across Craigton Road thence south-westward to the west side of Craigton Road thence north-westward and westward along the west and south side of Craigton Road to the east boundary wall of the convalescent hospital thence across Craigton Road thence westward for a distance of 75 yards or thereby from the west side of Craigton Road along the north side of the road leading to Thornhill House thence north-westward along an imaginary line drawn at a distance of 75 yards or thereby on the west side of and parallel to Craigton Road thence westward along an imaginary line drawn at a distance of 75 yards or thereby on the south side of and parallel to Countesswells Road to a point opposite the east side of a service road leading to Wardhead Farm thence northward across Countesswells Road to and along

1st Sch.
—cont.

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—cont.

the east side of the said service road to the north-west corner of the enclosure adjoining the east side of the said service road and the north side of Countesswells Road thence eastward along the northern boundary of the said enclosure for a distance of 25 yards or thereby to the south-west corner of an enclosure consisting of moorland lying to the east of Wardhead Farm thence northward and north-westward along the west boundary of the last-mentioned enclosure to the north-west corner thereof thence north-westward in a straight line to the south end of the service road on the east side of East Middlefield Farm thence northward along the east side of the said service road to the south side of the Skene Road thence eastward along the south side of the Skene Road to a point opposite the east boundary wall of Invercraig thence north-westward crossing the Skene Road and in a straight line to and along the said boundary wall and continuing north-westward in a straight line to the centre of the Den Burn thence eastward and north-eastward along the centre of the Den Burn to the service road leading to Old Skene Road thence north-eastward and northward along the south-east and east side of the said service road and in continuation in a straight line northward across Old Skene Road to a point 75 yards or thereby north of the north side of Old Skene Road thence eastward on a line parallel to and distant 75 yards or thereby northward from the north side of Old Skene Road to a point 75 yards or thereby westward of the west side of Springhill Road thence northward along a line parallel to and distant 75 yards or thereby westward of the west side of Springhill Road to a point on an imaginary line drawn at a distance of 75 yards or thereby north of and parallel to the north side of Upper Auchmill Road thence eastward along the said imaginary line to a point 75 yards or thereby north of the junction of the said last-mentioned road with the road leading therefrom to Back Hilton Road thence northward in a straight line to the centre of the Scatter Burn thence north-eastward northward and north-westward along the centre of the Scatter Burn to its junction with the river Don thence northward in a straight line to the centre of the river Don thence generally eastward along the centre of the channel of the river Don to the mouth of that river thence in a straight line eastward for a distance of one nautical mile measured from high-water mark thence southward south-eastward and southward at a distance of one nautical mile measured from any point taken in the high-water line of ordinary spring tides between the river Don and a point on the coast south of the river Dee known as "Needles Eye" thence due westward to the point of commencement.

THE SECOND SCHEDULE.

DESCRIPTIONS OF THE BOUNDARIES OF THE WARDS OF THE CITY.

WARD No. 1 (TORRY).

Commencing at a point on high-water mark (ordinary spring tides) south of Greg Ness opposite the point known as "Needles Eye" thence south-westward along high-water mark to a point due east of the March Stone near and south-west of "Needles Eye" thence westward to the March Stone thence in a straight line westward crossing the London Midland and Scottish Railway to the March Stone on Doonies Hill thence westward along the March Dyke to Baron's Cairn on Tullos Hill thence south-westward in a straight line along the said March Dyke to Cat Cairn thence westward along the said March Dyke to the north end of the service road leading to Nigg post office thence south-westward along the south-east side of the said service road and in a straight line in continuation thereof to the centre of Wellington Road thence northward along the centre of Wellington Road to a point 137 yards or thereby north-west of the north side of Balnagask Road thence south-westward in an imaginary straight line to the centre of the channel of the river Dee thence northward and eastward along the centre of the channel of the river Dee to the centre of the Victoria Bridge thence north-westward along the centre of the Victoria Bridge and Market Street to the centre of the Upper Dock thence eastward along the centre of the Upper Dock Victoria Dock Tidal Harbour and navigation channel of the harbour opposite the seaward extremity of the North Pier and the South Breakwater thence in a straight line eastward for a distance of one nautical mile thence southward at a distance of one nautical mile measured from any point taken in the high-water line of ordinary spring tides to a point one nautical mile due east from "Needles Eye" thence due west to the point of commencement.

WARD No. 2 (ST. CLEMENT'S).

Commencing at a point on high-water mark opposite the centre of the road skirting the Broad Hill and joining Constitution Street and the Beach Esplanade thence westward along the centre of the said road to Constitution Street

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thence south-westward along the centre of Constitution Street to the London and North Eastern Railway thence north-westward along the north-east side of the said railway to a point opposite Lemon Place thence south-westward along the centre of Lemon Place to Duff Street thence westward along the centre of Duff Street to Park Street thence southward along the centre of Park Street to Jasmine Terrace thence westward along the centre of Jasmine Terrace to King Street thence southward along the centre of King Street to Castle Street thence south-westward along the centre of Castle Street and Union Street to Market Street thence south-eastward along the centre of Market Street to a point opposite the centre of Upper Dock thence along the centre of Upper Dock Victoria Dock Tidal Harbour and navigation channel of the harbour opposite the seaward extremity of the North Pier and the South Breakwater thence in a straight line eastward for a distance of one nautical mile thence northward at a distance of one nautical mile measured from any point taken in the high-water mark of ordinary spring tides to a point one nautical mile due east from a point on high-water mark opposite the road skirting the Broad Hill thence due west to the point of commencement.

WARD NO. 3 (GREYFRIARS).

Commencing in King Street opposite Castle Street proceeding thence northward along the centre of King Street to Merkland Road thence westward along the centre of Merkland Road to Spital thence southward along the centre of Spital to Froghall Terrace thence westward along the centre of Froghall Terrace to Elmbank Terrace thence north-westward along the centre of Elmbank Terrace to Bedford Road thence south-westward across the centre of the bridge over the London and North Eastern Railway goods line to Powis Terrace thence south-eastward along the centre of Powis Terrace George Street and St. Nicholas Street to Union Street thence north-eastward along the centre of Union Street and Castle Street to the point of commencement.

WARD NO. 4 (ST. MACHAR).

Commencing on the seashore at a point on high-water mark opposite the centre of the road skirting the Broad Hill and joining Constitution Street and the Beach Esplanade proceeding thence due east for a distance of one nautical mile thence northward at a distance of one nautical mile measured from any point taken in the high-water mark of ordinary spring tides to a point one nautical mile due east from the mouth of

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the river Don thence due west to the centre of the mouth of the river Don thence generally westward along the centre of the channel of the river Don to a point opposite the north end of Don Street (Woodside) thence southward along the centre of Don Street to the north-east side of the London and North Eastern Railway thence south-eastward along the east side of the London and North Eastern Railway to Bedford Road thence south-westward along the centre of Bedford Road to Elmbank Terrace thence south-eastward along the centre of Elmbank Terrace and eastward along the centre of Froghall Terrace to Spital thence northward along the centre of Spital to Merkland Road thence eastward along the centre of Merkland Road to King Street thence southward along the centre of King Street to Jasmine Terrace thence eastward along the centre of Jasmine Terrace northward along the centre of Park Street eastward along the centre of Duff Street and Lemon Place to the London and North Eastern Railway thence along the north-east side of the London and North Eastern Railway to Constitution Street thence north-eastward along the centre of Constitution Street thence along the centre of the road skirting the south side of Broad Hill to the Beach Esplanade to the point of commencement.

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—cont.

WARD NO. 5 (WOODSIDE).

Commencing in Powis Terrace opposite Bedford Road proceeding thence north-eastward along the centre of Bedford Road to the east side of the London and North Eastern Railway thence north-westward along the east side of the London and North Eastern Railway to Don Street (Woodside) thence northward along the centre of Don Street to the centre of the channel of the river Don thence generally westward along the centre of the said channel to the Scatter Burn thence southward eastward southward and westward along the centre of the Scatter Burn to a point due north of the junction of Upper Auchmill Road and the road leading to Back Hilton Road thence southward to a point 75 yards or thereby north of the north side of Upper Auchmill Road thence westward on a line parallel to and distant 75 yards or thereby north of the north side of Upper Auchmill Road to a point on an imaginary line drawn at a distance of 75 yards or thereby west of and parallel to the west side of Springhill Road thence southward along the said imaginary line to a point 75 yards or thereby north of the north side of Old Skene Road thence westward along an imaginary line drawn at a distance of 75 yards or thereby north of the north side of Old Skene Road to a point opposite the east side of the service road leading to Oldmill Hospital thence southward in a straight line to the centre of the

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Old Skene Road thence eastward along the centre of Old Skene Road and Mid Stocket Road to Anderson Drive North thence northward along the centre of Anderson Drive North to Westburn Road thence eastward along the centre of Westburn Road and the parliamentary boundary between the north and south divisions of the city and northward and north-eastward along the said parliamentary boundary to Clifton Road thence south-eastward along the centre of Clifton Road and Powis Terrace to the point of commencement.

WARD NO. 6 (ST. NICHOLAS).

Commencing in Union Street opposite St. Nicholas Street proceeding thence south-westward along the centre of Union Street to Union Bridge thence north-westward along the east side of the London and North Eastern Railway to Woolmanhill thence north-westward along the centre of Woolmanhill Gilcomston Steps Skene Square and Rosemount Terrace to Westburn Road thence westward along the centre of Westburn Road to Cornhill Road thence northward along the centre of Cornhill Road to the parliamentary boundary between the north and south divisions of the city thence eastward northward and north-eastward along the said boundary to Clifton Road thence south-eastward along the centre of Clifton Road Powis Terrace George Street and St. Nicholas Street to the point of commencement.

WARD NO. 7 (ROSEMOUNT).

Commencing in Baker Street opposite Gilcomston Steps proceeding thence south-westward along the centre of Baker Street and Leadside Road to Short Loanings thence north-westward along the centre of Short Loanings to Rosemount Place thence westward along the centre of Rosemount Place Beechgrove Terrace and King's Gate to Queen's Road thence north-westward along the centre of Queen's Road and Skene Road to a point opposite the east boundary wall of Invercraig thence north-westward in a straight line to and along the said boundary wall continuing north-westward in a straight line to the centre of the Den Burn thence eastward and northward along the centre of the Den Burn to the service road leading to the Old Skene Road thence north-eastward and northward along the south-east and east side of the said service road and in continuation in a straight line northward to the centre of the Old Skene Road thence eastward along the centre of the Old Skene Road and Mid Stocket Road to Anderson Drive North thence northward along the centre of Anderson Drive North to Westburn Road thence eastward along the centre of Westburn

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Road and the parliamentary boundary between the north and south divisions of the city to Cornhill Road thence southward along the centre of Cornhill Road to Westburn Road thence eastward along the centre of Westburn Road and south-eastward along the centre of Rosemount Terrace Skene Square and Gilcomston Steps to the point of commencement.

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—cont.

WARD NO. 8 (RUBISLAW).

Commencing in Leadside Road opposite Short Loanings proceeding thence south-westward along the centre of Leadside Road and Whitehall Place to Prince Arthur Street thence southward along the centre of Prince Arthur Street to Albyn Place thence westward along the centre of Albyn Place to Queen's Cross opposite St. Swithin Street thence southward along the centre of St. Swithin Street to Union Grove thence south-westward along the centre of Union Grove Cromwell Road and Seafield Road to Viewfield Avenue thence southward along the centre of Viewfield Avenue to Countesswells Road thence westward along the centre of the old Countesswells Road to Springfield Road thence westward along the centre of Countesswells Road to a point opposite the east side of the service road leading to Wardhead Farm thence northward to and along the east side of the said service road to the north-west corner of the enclosure adjoining the east side of the said service road and the north side of Countesswells Road thence eastward along the northern boundary of the said enclosure for a distance of 25 yards or thereby to the south-west corner of an enclosure consisting of moorland lying to the east of Wardhead Farm thence northward and north-westward along the west boundary of the last-mentioned enclosure to the north-west corner thereof thence north-westward in a straight line to the south end of the service road on the east side of East Middlefield Farm thence northward along the east side of the said service road to the south side of the Skene Road thence eastward along the south side of the Skene Road to a point opposite the east boundary wall of Invercraig thence north-westward to the centre of the Skene Road thence eastward along the centre of the Skene Road and Queen's Road to King's Gate thence north-eastward along the centre of King's Gate Beechgrove Terrace and Rosemount Place to Short Loanings thence south-eastward along the centre of Short Loanings to the point of commencement.

WARD NO. 9 (GILCOMSTON).

Commencing at the east side of Union Bridge. proceeding thence south-westward along the centre of Union Bridge and

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Union Street thence westward along the centre of Alford Place and Albyn Place to Prince Arthur Street thence northward along the centre of Prince Arthur Street to Whitehall Place thence north-eastward along the centre of Whitehall Place Leaside Road and Baker Street to Gilcomston Steps thence south-eastward along the centre of Gilcomston Steps and Woolmanhill to the east side of the London and North Eastern Railway thence south-eastward along the said railway to the point of commencement.

WARD No. 10 (HOLBURN).

Commencing at Union Street opposite Bridge Street proceeding thence south-westward along the centre of Union Street thence westward along the centre of Alford Place and Albyn Place to Queen's Cross thence southward along the centre of St. Swithin Street to Union Grove thence north-eastward along the centre of Union Grove to Claremont Place thence south-eastward along the centre of Claremont Place and Chattan Place to Great Western Road thence north-eastward along the centre of Great Western Road to Holburn Street thence eastward along the centre of Willowbank Road Springbank Terrace and Wellington Place to South College Street thence northward along the centre of South College Street and Bridge Street to the point of commencement.

WARD No. 11 (RUTHRIESTON).

Commencing in Holburn Street opposite Great Western Road proceeding thence southward along the centre of Holburn Street and Bridge of Dee to the centre of the river Dee thence south-westward and westward along the centre of the river Dee to a point opposite the private road leading to Kaim House thence northward in a straight line to the east side of the said private road and along the east side of the said private road to the north side of Garthdee Road opposite the junction of the said private road with Garthdee Road thence westward north-westward and south-westward along the north side of Garthdee Road to the stone dyke 240 yards or thereby westward of the west side of the road from Garthdee Road to Pitfodels station thence north-westward along the said stone dyke to the south side of the London and North Eastern Railway (Deeside section) thence eastward along the south side of that railway for a distance of 33 yards or thereby thence north-westward crossing the said railway in a straight line to the North Deeside Road opposite the junction of that road with a road known as Bairds Brae connecting that road with Airyhall Road thence across the North Deeside Road and along the east side of Bairds Brae to the north side of Airyhall Road thence south-westward

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along the north side of Airyhall Road to a point 75 yards or thereby west of the west side of the road connecting Airyhall Road and Craigton Road thence north-westward along an imaginary line drawn at a distance of 75 yards or thereby on the west side of and parallel to the said road connecting Airyhall Road and Craigton Road thence south-westward along an imaginary line drawn at a distance of 75 yards or thereby on the south side of and parallel to Craigton Road until the said imaginary line meets the east boundary wall of Cliff House thence north-westward along the said boundary wall to and across Craigton Road thence south-westward to the west side of Craigton Road thence north-westward and westward along the west and south side of Craigton Road to the east boundary wall of the convalescent hospital thence across Craigton Road thence westward for a distance of 75 yards or thereby from the west side of Craigton Road along the north side of the road leading to Thornhill House thence north-westward along an imaginary line drawn at a distance of 75 yards or thereby on the west side of and parallel to Craigton Road thence westward along an imaginary line drawn at a distance of 75 yards or thereby on the south side of and parallel to Countesswells Road to a point opposite the east side of a service road leading to Wardhead Farm thence northward to the centre of Countesswells Road thence eastward along the centre of Countesswells Road to Springfield Road thence eastward along the centre of old Countesswells Road to Viewfield Avenue thence northward along the centre of Viewfield Avenue to Seafield Road thence north-eastward along the centre of Seafield Road Cromwell Road and Union Grove to Claremont Place thence south-eastward along the centre of Claremont Place and Chattan Place to Great Western Road thence north-eastward along the centre of Great Western Road to the point of commencement.

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WARD NO. 12 (FERRYHILL).

Commencing in Union Street opposite St. Nicholas Street proceeding thence south-eastward along the centre of Market Street to the centre of the channel of the river Dee thence westward and southward along the centre of the said channel to opposite a point in Wellington Road 137 yards or thereby north-west of the north side of Balnagask Road thence north-eastward in a straight line to the said point in the centre of Wellington Road thence southward along the centre of Wellington Road to a point opposite its junction at Nigg post office with the road leading from Nigg post office to the main Stonehaven Road (Route A.92) thence south-westward along the south-east side of the road leading from

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Nigg post office to the main Stonehaven Road to a point opposite the east side of the service road leading to the Parkhead Quarry worked by the county council of the county of Kincardine thence across the said road to a point 75 yards north-west of the north-west side of the said road thence south-westward on a line parallel to and distant 75 yards from the north-west side of the said road to a point 75 yards north of the north side of the service road leading to Craighill Farm thence westward on a line parallel to and distant 75 yards from the north side of the said service road to a point 75 yards eastward of the east side of the said main Stonehaven Road thence northward on a line parallel to and distant 75 yards from the east side of the said road for a distance of 200 yards or thereby thence due westward to and across the said road to the west side thereof thence northward along the west side of the said road for a distance of 235 yards or thereby to a stone dyke on the north of South Damhead Farm thence westward along the said dyke to the parish boundary between Nigg and Banchory-Devenick parishes thence northward along the said parish boundary to the north side of a service road on the north of Stonedykes Farm thence westward along the north side of the said service road to the point where it meets a line drawn parallel to and 75 yards to the east of the public road named the Tollohill Road thence north-eastward and northward along the said line until it meets the South Deeside Road thence westward along the centre of the said road to the point where the said road crosses the Burn of Leggart thence north-westward along the centre of the said burn and in a straight line in continuation thereof to the centre of the river Dee thence north-eastward along the centre of the river Dee to the Bridge of Dee in Holburn Street thence north-westward and northward along the centre of the said Bridge of Dee and Holburn Street to Willowbank Road thence eastward along the centre of Willowbank Road Springbank Terrace and Wellington Place to South College Street thence northward along the centre of South College Street College Street and Bridge Street to Union Street thence north-eastward along the centre of Union Street to the point of commencement.

THE THIRD SCHEDULE.

PART I.

PURPOSES IN RESPECT OF WHICH EXPENDITURE IS PAYABLE BY OCCUPIER.

- (1) Police (including administration of justice and as police authority under the Children and Young Persons Act 1937 but excluding erection extension alteration and maintenance of central police buildings and burgh court house).
- (2) Lighting.
- (3) Cleansing (including public lavatories and conveniences).
- (4) Fire prevention.
- (5) Public libraries.
- (6) Maintenance (but excluding widening alteration or improvement) of causewayed streets.
- (7) Esplanade bathing station at sea beach seabeach shelters and other appurtenances at seabeach and on esplanade and foreshore protection works.
- (8) Swimming pond and baths in Justice Mill Lane.
- (9) Public parks.
- (10) Unwholesome food inspection.
- (11) Bell and petty customs.
- (12) Gas meters inspection.
- (13) Weights and measures inspection.
- (14) Public weighbridges.
- (15) Public clocks.
- (16) Proportion of cost of maintenance of town and county hall and passages.

PART II.

PURPOSES IN RESPECT OF WHICH EXPENDITURE IS PAYABLE BY OWNER.

- (1) Sheriff court houses.
 - (2) Sewers.
 - (3) Public water (in pursuance of section 73 (Estimate to be considered and domestic water rate imposed) of the Order of 1937 as amended by this Order).
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THE FOURTH SCHEDULE.

DESCRIPTION OF THE OUTER ZONE.

That portion of the city lying outwith the area included within the following boundary (that is to say):—

Commencing on the north side of the North Pier at low-water mark of ordinary spring tides and proceeding thence along the north side of the said pier to the seaward extremity thereof thence across the navigation channel of the harbour to the seaward extremity of the South Breakwater thence southward along the east side of the South Breakwater and along an imaginary straight line drawn in continuation thereof to a point seventy-five yards or thereby south of the south side of the service road between Greyhope Road and St. Fittick's Road thence westward to St. Fittick's Road along an imaginary line drawn at a distance of seventy-five yards or thereby on the south side of and parallel to the service road between Greyhope Road and St. Fittick's Road thence south-westward along an imaginary line drawn on the parliamentary boundary at a distance of seventy-five yards or thereby on the south side of and parallel to Balnagask Road to the line of the eastmost boundary of Tullos Estate seventy yards or thereby south-east from a point on Balnagask Road two hundred and forty yards or thereby north-east from its junction with Mansefield Road and extending south-eastward for a distance of four hundred and eighty-five yards or thereby to the boundary of the main line of the London Midland and Scottish Railway Company thence westward along the north boundary of the said railway company's land to the railway bridge over the service road west of North Middleton Farm thence southward on the west side of the said railway bridge and westward along the north side of the service road leading to Wellington Road as far as the service road leading to Tullos Cottage thence southward along the west side of the latter service road to the service road leading to Tullos House thence south-westward along the north side of the said service road to the back of the feus in Wellington Road thence southward along the back of the said feus and continuing in an imaginary line parallel to

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Wellington Road for a distance of 143 yards or thereby thence westward along an imaginary straight line to and across Wellington Road to a point 50 yards or thereby west of the west side of Wellington Road thence north-westward on an imaginary line drawn at a distance of 50 yards or thereby west of and parallel to the west side of Wellington Road to a point 50 yards or thereby south of the south side of Abbotswell Road thence south-westward along an imaginary line drawn at a distance of 50 yards or thereby south of and parallel to the south side of Abbotswell Road to its junction with an imaginary line drawn at a distance of 50 yards or thereby east of the east side of the main Stonehaven Road (Route A.92) thence south-westward along an imaginary line drawn at a distance of 50 yards or thereby east of and parallel to the east side of the main Stonehaven Road (Route A.92) to a point 93 yards or thereby south-east of the said main Stonehaven Road on the south-west boundary of Caiesdykes Farm thence north-westward along the boundary of Caiesdykes Farm across the main Stonehaven Road and continuing in a straight line to a point 50 yards or thereby south-east of Leggart Terrace thence south-westward along an imaginary line drawn at a distance of 50 yards or thereby and parallel to Leggart Terrace for a distance of 17 yards or thereby thence north-westward in an imaginary straight line for a distance of 160 yards or thereby to the centre of the river Dee thence westward along the centre of the river Dee to a point opposite the private road leading to Kaim House thence northward in a straight line to the east side of the said private road and along the east side of the said private road to the south side of Garthdee Road thence eastward along the south side of Garthdee Road to the service road leading to Garthdee Farm thence north-westward along the east side of the said service road to the north side of the road running between Auchinyell Bridge and Garthdee Road thence westward along the north side of the said road for a distance of 36 yards or thereby to a wall or fence on North Garthdee Farm thence north-westward along the said wall or fence to the London and North Eastern Railway (Deeside section) and continuing across the said railway to the north side thence south-westward along the north side of the said

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railway to a point 387 yards or thereby east of the east side of the railway bridge at Pitfodels station thence north-westward in a straight line to a point on the south side of North Deeside Road 380 yards or thereby east of the east side of the road leading to Pitfodels station thence eastward along the south side of the North Deeside Road to a point opposite the east side of Airyhall Road thence north-westward across the North Deeside Road to the east side of Airyhall Road thence northward and westward along the east and north sides of Airyhall Road to the east boundary wall of policies of Airy Hall House thence north-westward along the said east boundary wall to Craigton Road thence eastward along the south side of Craigton Road for a distance of 67 yards or thereby to a point opposite a stone dyke on Slopefield Farm thence north-westward across Craigton Road and following the said stone dyke to Countesswells Road then eastward along the south side of Countesswells Road to a point opposite the east boundary wall of the policies of Craigiebuckler House thence north-westward along the said boundary wall and continuing in an imaginary straight line till it meets the parliamentary boundary and the service road leading to greenhouse and cottage of Craigiebuckler House thence westward and north-westward along the parliamentary boundary of the south division of the city to the burn flowing into the Walker Dam thence south-westward along the north side of the said burn for a distance of 367 yards or thereby to a point on the west boundary of Burnieboozle Farm thence north-westward along a boundary fence and continuing across Hazledene Road in a straight line to a point 67 yards or thereby north-west of the north side of Hazledene Road thence north-eastward along an imaginary line drawn at a distance of 67 yards or thereby and parallel to Hazledene Road till it meets the parliamentary boundary of the south division of the city thence northward following the parliamentary boundary to meet the road leading to the Mansion House of Hazlehead thence north-eastward along the south-east side of the said road leading to the Mansion House of Hazlehead to Queen's Road proceeding thence north-westward along the north-east side of Queen's Road for a distance of 136 yards or thereby thence south-westward across Queen's Road and continuing in a straight line along the boundary of the division

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of city common good and links and parks department of Hazlehead Estate for a distance of 115 yards or thereby thence north-westward for a distance of 103 yards or thereby south-westward for a distance of 125 yards or thereby and north-westward for a distance of 313 yards or thereby along the said boundary line between city common good and links and parks department to a fence on the farm of Backhill thence north-westward along the said fence and continuing in a straight line along the fence on the west side of a service road to Queen's Road thence south-eastward along the south side of Queen's Road for a distance of 122 yards or thereby to a point opposite the corner of field No. 1939 ordnance survey sheet thence northward across Queen's Road and continuing in a straight line to the said corner of field No. 1939 ordnance survey sheet thence north-westward north-eastward and eastward along the fence on the west side of field No. 1939 ordnance survey sheet to the North Burn of Rubislaw thence north-eastward and eastward along the south-east side of the said North Burn of Rubislaw to a ditch running southward from the road at the back of Oldmill and Woodend Hospitals thence north-eastward along the said ditch to the south side of the road at the back of Oldmill and Woodend Hospitals thence eastward along the south side of the road at the back of Oldmill and Woodend Hospitals to a point opposite the fence running through the middle of East Summerfield Farm thence northward across the road at the back of Oldmill and Woodend Hospitals and continuing along the fence in the middle of East Summerfield Farm to the Old Skene Road thence eastward along the south side of the Old Skene Road to the service road between the Old Skene Road and Anderson Drive North continuing eastward along the south side of the service road to a point 50 yards or thereby west of the west side of Anderson Drive North thence northward at a distance of 50 yards or thereby and parallel to the west side of Anderson Drive North and Long Walk Road to a road on the south side of Cairnery Quarry enclosure thence eastward along the south side of the road south of Cairnery Quarries and continuing in a straight line to the east side of the road to Granitehill thence northward along the east side of the road to Granitehill and continuing northward in a straight

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line for a distance of 390 yards or thereby thence westward in a straight line to a point 11 yards or thereby due south of the parliamentary boundary of the north division of the city thence northward to and along the said parliamentary boundary to the centre of the Scatter Burn thence north-eastward and northward along the centre of the Scatter Burn to Great Northern Road thence eastward along the south side of Great Northern Road to a point opposite the east side of the old road leading to Woodside House thence north-westward along the north-east side of the said road to the south side of the main north line of the London and North Eastern Railway Company thence eastward to a point opposite the east boundary of Woodside House thence northward across the said railway line and along the east boundary of the said Woodside House to the mill lade conveying the water to Woodside Works thence in a straight line drawn in continuation of the last-mentioned boundary to the centre line of the river Don forming the parliamentary boundary thence eastward southward and eastward along the said parliamentary boundary to a point opposite the fence or wall separating the private grounds of Seaton House from the Donside Paper Mills thence proceeding southward along an imaginary straight line to the said fence or wall and thence along the same to Tillydrone Road thence eastward along the north side of the said road to Chanonry thence north-eastward along the south boundary of the private grounds of Seaton House to Don Street thence north-eastward along the west side of Don Street to a point 57 yards or thereby south of the south side of Lord Hay's Road thence due east in an imaginary straight line to the east side of King Street thence south-eastward for a distance of about 80 yards along the north side of a service road thence north-eastward along an imaginary line over the old burn flowing to the river Don for a distance of about 130 yards or thereby thence southward and south-eastward in an imaginary straight line to Seaton Place East at the north-east corner of Seaton Pottery thence southward and eastward along the south side of Seaton Place East and continuing along the south side of a service road leading to Corf House to the freedom and royalty boundary thence south-westward and southward along the freedom and royalty boundary to a point 17 yards or thereby

south of the south boundary wall of Pittodrie Park football ground thence due east in an imaginary straight line to the sea at low-water mark of ordinary spring tides thence southward along low-water mark of ordinary spring tides to the point of commencement.

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—cont.

THE FIFTH SCHEDULE.

EXEMPTIONS AND ABATEMENTS FROM CITY RATE.

PART I.

Lands and heritages in respect of which in accordance with and subject to the provisions of the section of this Order of which the marginal note is "Exemptions and abatements from city rate" the city rate is not exigible—

1. War Memorial Schoolhill;
2. Lands and heritages occupied and used solely as churches chapels or other religious meeting places for public worship.

PART II.

Lands and heritages entitled in accordance with and subject to the provisions of the section of this Order of which the marginal note is "Exemptions and abatements from city rate" to deduction from the city rate :—

Description of lands and heritages.	Percentages where deduction is in respect of owners' proportion of the city rate.	Percentages where deduction is in respect of occupiers' proportion of the city rate.
1. The town house (so long as occupied by the Corporation) - - - -	—	59
2. The harbour and docks of Aberdeen-	14½	42½
3. Halls offices and premises connected with churches chapels or meeting places and belonging to or held by the religious body for or on behalf of whom such churches chapels or meeting places are held or used so long as such halls offices and premises are used exclusively for religious charitable or educational purposes - - - - -	42	60

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5TH SCH.
—cont.

Description of lands and heritages.	Percentages where deduction is in respect of owners' proportion of the city rate.	Percentages where deduction is in respect of occupiers' proportion of the city rate.
4. Lands and heritages occupied and used solely for the purposes of public charity - - - -	35½	55½
5. Lands and heritages occupied and used for educational purposes by the University Court of the University of Aberdeen (excluding the lands and heritages used for or in connection with the Students' Union) - - - -	—	39½
6. Schools included in a scheme for the provision of education within the city approved by the Secretary of State under section 6 of the Education (Scotland) Act 1918 other than— (1) Schools under the management of any education authority; and (2) Schools aided by any education authority in terms of section 9 of the Education (Scotland) Act 1918 - - - -	—	39½
7. Lands and heritages situated within the outer zone - - - -	10	29½

8 & 9 Geo. 5.
c. 48.

THE SIXTH SCHEDULE.

BORROWING POWERS.

1.	2.
Purpose.	Unexhausted borrowing powers.
	£ s. d.
Baths—	
Swimming ponds swimming pools baths public wash-houses and drying grounds including all necessary land plant and equipment -	144,514 11 8
Beach entertainment buildings—	
Extension of entertainment buildings - - -	3,913 1 9

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1.	2.	6TH SCH.
Purpose.	Unexhausted borrowing powers.	—cont.
	£ s. d.	
Esplanade—		
Extension and improvement of esplanade in- cluding shelters and foreshore protection works - - - - -	4,767 13 9	
Roads streets and bridges—		
Construction widening and improvement of roads streets and bridges - - - - -	432,889 14 5	
Repaving and recausewaying of streets - -	47,843 14 1	
Public halls—		
Land buildings furnishings and equipment -	1,439 15 0	
Municipal buildings—		
Reconstruction extension improvement and alteration of municipal buildings - - -	18,955 7 2	

THE SEVENTH SCHEDULE.

**FORMS OF MORTGAGE AND OF RENEWAL TRANSFER AND
DISCHARGE OF MORTGAGES.**

PART I.

FORM OF MORTGAGE.

CITY AND ROYAL BURGH OF ABERDEEN.

Mortgage No..... £.....

By virtue of the Aberdeen Corporation Acts 1936 to 1939 and Acts of Parliament of subsequent years relating to the city and royal burgh of Aberdeen and by virtue of the public Acts of Parliament authorising the borrowing of money for public purposes by the local authority of the said city We the Corporation of the city of Aberdeen in consideration of the sum of _____ sterling paid to us by _____ for the purposes of the said Acts Do hereby grant and assign to the said _____ (hereinafter referred to as "the mortgagee[s] ") such proportion of the funds rates and revenues of the said Corporation (other than the common good and the revenues thereof) arising

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—cont.

accruing or leviabie under or by virtue of the said Acts as the
said sum of _____ shall bear to
the whole sum which is or shall be borrowed upon the credit
of the said funds rates and revenues or any of them To hold
to the mortgagee[s] and foresaids from the
day of _____ nineteen hundred and
until the _____ day of _____ nineteen
hundred and _____ or until the said
sum of _____
with interest thereon at the rate of _____ per
centum per annum for the same (payable half-yearly on the
day of _____ and the
day of _____) shall be fully paid and
satisfied And it is hereby provided that the said principal
sum shall be repayable on the _____ day of
_____ nineteen hundred and _____

Executed on behalf of the Corporation of the city of
Aberdeen in terms of the Aberdeen Corporation (Administra-
tion Finance &c.) Order 1939 at Aberdeen on the
day of _____ nineteen hundred and _____

<p>.....</p> <p>.....</p>	<p>} Witnesses</p>	<p>Member of the Corpora- tion of the city of Aberdeen.</p> <p>..... Town clerk.</p>
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Entered in the register of mortgages
of date.....19...
.....City Chamberlain.

PART II.

MINUTE OF RENEWAL OF MORTGAGE.

(To be attached to form of mortgage.)

Aberdeen 19 By agreement
between the parties to this mortgage payment of the sum
of _____ pounds sterling
being the _____ principal sum within mentioned
is deferred until the term of _____ nineteen
hundred and _____ to bear interest at the
rate of _____ per centum per annum.

.....City Chamberlain.

PART III.

7TH SCH.
—cont.

MINUTE OF TRANSFER OF MORTGAGE.

I
of
in consideration of the sum of _____ pounds
paid to me by _____
of _____
(hereinafter referred to as "the transferee") do hereby
transfer to the transferee (his) executors administrators and
assigns the mortgage numbered _____ granted by
the Corporation of the city of Aberdeen bearing date the
_____ day of _____ and all my right and
interest therein To hold unto the said transferee his executors
administrators and assigns (or successors and assigns) subject
to the several conditions on which I hold the same at the time
of the execution hereof and I the said transferee do hereby
agree to take the said mortgage subject to the same conditions.

As witness our hands and seals this _____ day of
_____ nineteen hundred and _____

PART IV.

MINUTE OF DISCHARGE OF MORTGAGE.

Received from the Corporation of the city of Aberdeen
the sum of _____ sterling
being the principal sum contained in the within mortgage (all
interest due thereon having been previously paid) and the
said mortgage is herewith delivered up discharged.

Dated this _____ day of
_____ nineteen hundred and _____

THE EIGHTH SCHEDULE.

PROVISIONS AS TO ABERDEEN CORPORATION BONDS.

1. Bonds shall be issued in such amounts in denominations
of five pounds and multiples of five pounds and for such periods
not being less than five years as the Corporation may determine.

2. (a) Bonds may be issued at such prices and at such
rates of interest as the Corporation may from time to time
determine and interest shall be payable on bonds on the fifteenth
day of May and the eleventh day of November in any year

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8TH SCH.
—cont.

If a bond becomes repayable at a date other than the fifteenth day of May or the eleventh day of November the interest on the bond from the fifteenth day of May or the eleventh day of November as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond. If a bond is issued on a date other than the fifteenth day of May or the eleventh day of November the interest on the bond from the date of issue until the eleventh day of November or the fifteenth day of May following the date of issue shall be apportioned and paid to the holder of the bond.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the City Chamberlain on the dates specified in the certificates issued in respect of bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The City Chamberlain shall keep a register (in this schedule called "the register") of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name and address of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Order and of the title of the persons entered therein as holders of bonds.

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8TH SCH.
 —cont.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued and such certificate shall be and be deemed to be validly executed notwithstanding any law or practice to the contrary if the same is sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new or substitute certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

CITY AND ROYAL BURGH OF ABERDEEN.

ABERDEEN CORPORATION BONDS.

.....per centum Aberdeen Corporation bond repayable at par on.....19..... at the office of the city chamberlain town house Aberdeen.

This is to certify that.....
 of.....is the registered holder of a bond for..... pounds issued by the Corporation of the city of Aberdeen under the Aberdeen Corporation (Administration Finance &c.) Order 1939.

Dated the.....day of.....

.....
 Member of the Corporation of
 the city of Aberdeen.

.....
 Town clerk.

Entered in the register of bonds
 of date.....19.....

.....
 City Chamberlain.

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8TH SCH.
 —cont.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER.

ABERDEEN CORPORATION BOND(S).

I/We
 in consideration of the sum of.....
 paid by.....(hereinafter called
 "the transferee") do hereby assign and transfer to the
 transferee

To hold unto the transferee his executors adminis-
 trators and assigns (or as the case may be) subject to
 the several conditions on which I/we held the same
 immediately before the execution hereof and I/we
 the transferee do hereby agree to accept and take the
 said bond(s) subject to the conditions aforesaid.

As witness our hands and seals this.....day of
19.....

(To be signed before one witness.)

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the city chamberlain shall enter a note thereof in a book to be called the "Register of transfers of Aberdeen Corporation bonds" (hereinafter called "the register of transfers") and shall endorse on the deed of transfer a notice of that entry.

(4) The city chamberlain shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond unless production of such certificate has been dispensed with by the Corporation in terms of clause 6 hereof enter the name of the transferee in the register of transfers and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and (unless production thereof is dispensed with as aforesaid) the certificate have been delivered

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8TH SCH.
—cont.

to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence to their satisfaction by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The Corporation may close the register of transfers for a period not exceeding thirty days immediately before the fifteenth day of May and the eleventh day of November respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may on the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them unless the contrary is stated.

10.—(1) Unless the holder of a bond otherwise requests in writing the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

11. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the confirmation or the probate of the will or the letters of administration has or have been left with the Corporation for registration.

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 —cont.

12. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

13. Where two or more persons are jointly entitled to a bond any one of them may give an effectual receipt for any interest thereon unless notice in writing to the contrary has been given to the Corporation by any other of them.

14. The receipt of the guardian or tutor of an infant or pupil shall be a sufficient discharge to the Corporation for any money payable to the infant in respect of a bond.

15. Notice of any trust expressed implied or constructive affecting a bond shall not be entered in the register or be receivable by or shall affect the Corporation but this provision shall not prevent any holder of a bond from being described as a trustee or as possessing any official character.

THE NINTH SCHEDULE.

FORM OF INTEREST WARRANT OR COUPON.

CORPORATION OF THE CITY OF ABERDEEN.

	INTEREST WARRANT.	Nov. May
Mortgage	}	No..... £.....
Bond		
Payable to.....		
on.....19..... at the		
Bank Limited for pounds		
..... shillings and pence.		
Interest as above	-	£ : :
Less—Income tax	-	£ : :
Amount payable	-	£ : :
Intd.....		
.....City Chamberlain.		

THE TENTH SCHEDULE.

RULES AND REGULATIONS FOR THE OPERATIONS OF THE LOANS FUND.

INTRODUCTORY.

1. The loans fund shall be kept in two parts viz. :—

PART I.—Being a record of all assets and liabilities
of the fund showing under—

Division of
loans fund
into parts
Assets and
liabilities.

(A) Assets—

(1) Advances to Corporation departments.

(2) Investments.

(3) Any other assets.

(B) Liabilities—

(1) Capitalised value of annuities.

(2) Corporation stock.

(3) Mortgages.

(4) Any other liabilities.

PART II.—Revenue transactions showing as—

Income and
expenditure.

(A) Income—

(1) Interest from Corporation departments—

(a) in respect of advances on capital
account;

(b) in respect of interest on advances for
ordinary expenditure.

(2) Income from investments.

(3) Other income.

(B) Expenditure—

(1) Annuities.

(2) Interest on stock mortgages and other loans.

(3) General expenses of loans including stamp
duties.

PART I OF THE FUND.

2. (a) All the secured and unsecured debt incurred by the Corporation in exercise of any statutory borrowing powers as defined in the section of the foregoing Order of which the marginal note is "Interpretation" and balances of any other loans funds or accounts of a capital nature (including sinking

Closing of
existing
loans
(capital
accounts).

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—cont.

or redemption funds) arising out of the exercise of any statutory powers shall as from a day to be appointed by resolution of the Corporation hereinafter referred to as the "appointed day" be carried to the loans fund and shall be deemed to form part of that fund.

Payments
to loans
fund.

(b) There shall be paid to the loans fund as and when they are received or in the case of the sums specified in sub-clause (iii) of this paragraph when they are due—

- (i) All moneys borrowed by the Corporation whether by issue of stock or otherwise in connection with the exercise of statutory borrowing powers;
- (ii) All moneys of a capital nature received by the Corporation acting in the exercise of statutory powers whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose; and
- (iii) The appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation or any authority or person to whom the Corporation may be authorised to advance money provided that subject to the provisions of this Order such appropriate sums shall be set aside in all cases upon like yearly or half-yearly dates and may at the discretion of the Corporation be either equal yearly or half-yearly instalments of principal or the amounts of the principal moneys set out in a schedule prepared at the inception of the advance where such advance is repaid on the annuity system or in the case of loans current at the date of establishment of the loans fund settled at the date of such establishment.

Capital
moneys paid
into loans
fund.

3. Whenever capital moneys are paid into the loans fund otherwise than on loan the periodical repayment instalments in respect of the advance or advances affected or if no such advance is affected then the repayment instalments in respect of some other advance for a like purpose or if there be no such advance for a like purpose then the repayment instalments in respect of such other advance as the Corporation may determine shall be adjusted.

Payments
from loans
fund.

4. All receipts of a capital nature and included in Part I of the loans fund shall be used or applied—

- (a) In the exercise of any duly authorised borrowing power by advance of the required amount to the appropriate department of the Corporation and the making of advances to other authorities or persons

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where such advances are authorised Such advances shall ordinarily be effected on the fifteenth day of May in each year which date shall for purposes of repayment be regarded as the borrowing date Nothing however shall prevent the Corporation from making any such advance during the year in which event interest shall be charged in accordance with the provisions of clause 11 hereof the marginal note whereof is "Revenue balances and apportionment of interest" The amount advanced in exercise of a borrowing power shall be regarded as due or owing to the loans fund by the appropriate department charged with the repayment of that amount and such amount shall be diminished each year by the amount paid into the fund during the year (including capital moneys if any) in respect of such borrowing power;

10TH SCH.
—cont.

(b) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

and the said moneys not used or applied in these ways may be invested in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest and the sums realised by the sale of such securities shall on receipt be paid into the loans fund and the moneys forming Part I of the said fund shall not be used or applied otherwise than as herein stated Provided always that no investment in or sale of the said securities shall be made unless and until it has been approved by a resolution of the finance committee of the Corporation.

5. (a) All discounts on stock issues or premiums to be met on the repayment of a stock shall be debited in the first instance to Part I of the loans fund account but shall be treated as capital expenditure on account of the various borrowing departments of the Corporation and shall be allocated between these departments in the same manner as is laid down in clause 12 hereof the marginal note whereof is "General expenses of loans."

Discounts
on stock
issues &c.

(b) The Corporation may advance out of the loans fund such amounts as may be necessary to defray the capital expenditure aforesaid provided that such advances shall be repaid to the loans fund by equal yearly or half-yearly instalments over such period as the Corporation may determine subject to the condition that in no case shall the period fixed for repayment extend beyond the date when the stock becomes redeemable at the option of the Corporation.

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—cont.
Expenses of
stock issues.

6. Expenses of stock issues shall be dealt with in the same manner as is in the immediately preceding clause provided for discounts on stock issues or premiums to be met on the repayment of a stock. Provided that the period for the repayment of any advances from the loans fund in respect of expenses of stock issues shall in no case exceed five years from the date of the advance.

Discounts
on loans &c.

7. All discounts on loans or premiums to be met on the repayment of loans and expenses of loan issues shall be dealt with in the same manner mutatis mutandis as is provided for discounts on stock issues premiums to be met on the repayment of a stock and expenses of stock issues.

Net losses
on the
realisation
of loans fund
investments
&c.

8. Net losses on the realisation of loans fund investments in any year shall be dealt with in the same manner mutatis mutandis as is provided in clause 6 hereof the marginal note whereof is "Expenses of stock issues" For the purpose of this clause "net losses on the realisation of loans fund investments" means the total losses incurred in any year on the sale or realisation of such investments less—

- (a) the total gains accruing to the Corporation from the sale of loans fund investments;
- (b) any sum transferred from the loans fund reserve account in terms of clause 9 (a) hereof the marginal note whereof is "Loans fund reserve account";
- (c) the total gains accruing to the Corporation from the purchase of stock or loans below redemption price or nominal value;
- (d) the total premiums on stock issues:

Provided that where the gains transfers or premiums referred to in (a) (b) (c) and (d) above exceed the total losses incurred on the sale or realisation of loans fund investments the Corporation may in their option direct either that—

- (1) The excess in whole or in part be carried to the credit of the "General expenses" account referred to in clause 12 hereof the marginal note whereof is "General expenses of loans";
- (2) The excess in whole or in part be allocated among the borrowing departments in the same manner as is provided for in clause 12 hereof the marginal note whereof is "General expenses of loans" such excess to be credited to the capital accounts of the borrowing department; or

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(3) The excess in whole or in part be credited to the loans fund reserve account referred to in clause 9 hereof the marginal note whereof is "Loans fund reserve account."

10TH SCH..
—cont.

9. The Corporation may establish a loans fund reserve account to which shall be credited any excess which in terms of the immediately preceding clause hereof the marginal note whereof is "Net losses on the realisation of loans fund investments &c." the Corporation have directed to be so credited Provided that the moneys at the credit of the loans fund reserve account shall only be available—

Loans fund
reserve
account.

(a) for meeting any losses sustained in the realisation or sale of loans fund investments in any year subsequent to the year in which the transfer to the reserve fund is made; or

(b) in reduction of the periodical repayments by the borrowing departments to the loans fund over such period of years as the Corporation may determine provided that in effecting any reduction of such periodical repayments the Corporation shall allocate the total annual amount to be applied towards such reduction over the borrowing accounts in the same manner as is provided for the allocation of other expenses referred to in clause 12 hereof the marginal note whereof is "General expenses of loans."

PART II OF THE FUND.

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of expenditure over income effect shall be given to the provisions of clauses 11 and 12 hereof the marginal notes whereof are respectively "Revenue balances and apportionment of interest" and "General expenses of loans."

Income and
expenditure.

11. (a) All balances of any loans accounts of a revenue nature shall as from the appointed day be carried to the loans fund and shall be deemed to form part of that fund.

Revenue
balances and
apportion-
ment of
interest.

(b) To each department which has from time to time during any year invested any revenue balances in the loans fund there shall be credited interest at a rate to be determined by the Corporation.

(c) To each department which has made any special repayment of an advance during any year there shall be credited interest from the date of such repayment to the end of the accounting year at the average rate payable by the Corporation on moneys borrowed on loans fund account.

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—cont.

(d) To each department which has provided a capital sum (not used for the reduction of its indebtedness to the loans fund) there shall be credited interest at a rate to be determined by the Corporation provided that such rate shall be equal as nearly as may be to the rate of interest which would be payable on loans raised during the year of account under a statutory borrowing power.

(e) Interest at the average rate payable by the Corporation on moneys borrowed on loans fund account shall be charged in respect of all broken periods where new advances have been made during the year.

(f) To each department which has from time to time during any year received temporary advances of moneys from the loans fund for current or other expenses there shall be debited interest at a rate to be determined by the Corporation.

(g) The amount of the expenditure on interest on stock and other loans shall be ascertained and after allowing for the foregoing adjustments shall be apportioned among the departments of the Corporation in proportion to the respective advances outstanding and due by them to the loans fund at the commencement of the year of account.

General
expenses of
loans.

12. The general expenses of loans account referred to in clause 1 of this schedule and which includes all expenses in connection with the management of the loans fund shall be credited with fees received on the transfer of stock or loans and any other revenue receipts. There shall also be credited to this account any sums received from any person or borrowing authority in respect of their proportion of management expenses. The balance on the account shall thereafter be apportioned to the borrowing departments of the Corporation at the end of each year ending thirty-first May in the ratio which the total outstanding advances to each borrowing department bear to the total outstanding advances of all the borrowing departments of the Corporation but such apportionment to departments may be adjusted where circumstances render it desirable from the point of view of maintaining equity as between the various borrowing departments.

GENERAL PROVISIONS.

Accounts
and balance
sheet.

13. The Corporation shall keep a separate set of accounts and prepare a separate balance sheet of the loans fund and in addition to the requisite mortgage and stock registers they shall also keep a register of advances out of the loans fund to the borrowing departments of the Corporation or to any other local authorities or persons to whom the Corporation

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may be authorised to advance money setting out all arrangements in regard to repayment provided that the register shall show the relation of the total advances to any borrowing department of the Corporation to the total borrowing powers exerciseable by that department.

10TH SCH.
—cont.

14. The Corporation may make such regulations regarding their banking account or accounts as they may think fit.

Bank
accounts.

15.—(1) The accounts relating to the loans fund shall be certified as to correctness by the city chamberlain and the Corporation shall at least once in every year require the auditor of the accounts of the Corporation to make a report setting forth—

Certification
of accounts
and returns.

(a) the borrowing and other Acts under which advances have been made and whether the Corporation have duly paid into the loans fund the interest due by the borrowing accounts of the Corporation and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation; and

(b) that the terms of the proviso to clause 4 hereof the marginal note whereof is "Payments from loans fund" have been duly complied with.

(2) The said report shall be published annually along with the accounts of the Corporation and shall be open to the inspection of every person interested and a copy of such report shall every year within seven days of such publication be transmitted by the Corporation to the Secretary of State.

(3) In the event of such report by the auditor at any time showing that the Corporation have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid it shall be competent for the Secretary of State to apply summarily to the court of session to compel the Corporation to make such payments and the said court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

16. The Secretary of State may from time to time at the request of the Corporation make such additions to or alterations in this schedule as may be found to be necessary or desirable.

Revision
of scheme.

THE ELEVENTH SCHEDULE.

FORMS RELATING TO ABERDEEN CORPORATION STOCK.

(A.)

CITY AND ROYAL BURGH OF ABERDEEN.

RESOLUTIONS ON CREATION OF STOCK.

The Corporation of the city of Aberdeen resolved as follows :—

(First) That under the authority and subject to the provisions of the Aberdeen Corporation (Administration Finance &c.) Order 1939 the Corporation do hereby create stock to be called the Aberdeen Corporation per cent. redeemable stock and to be issued to an amount not exceeding pounds.

(Second) That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner hereinafter specified (that is to say) :—

(Third) That such stock shall be redeemed as follows :—

(Fourth) That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Stamp Act 1891 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

CITY AND ROYAL BURGH OF ABERDEEN.

CORPORATION STOCK CERTIFICATE.

Number

This is to certify that the proprietor of Aberdeen Corporation redeemable stock subject to the Acts of Parliament relating thereto and registered in the books of the Corporation of the city of Aberdeen and which stock bears interest at the rate of pounds per centum per annum payable half-yearly on the day of and the day of in each year the first payment to be made on the day of next.

Given under the city seal and subscribed by the city chamberlain as registrar with the authority of the Corporation of the city of Aberdeen this day of one thousand nine hundred and

Amount £ : :City Chamberlain.

(C)

11TH SCH.
 —cont.

TRANSFER IN BOOKS.

ABERDEEN CORPORATION REDEEMABLE STOCK.

(£ per cent.)

I (or we)	£	s.	d.	No.
this day of				
in the year one thousand nine				
hundred and				
do assign and transfer				Entered by
interest or share in the Aberdeen				
Corporation per cent. redeem-				
able stock				Witness to
transferable at (the)				
and all property and interest				the identity of
in and right to the same and the				
dividends thereon unto				
Executors administrators or assigns	Witness			hand
Witness				

I (or we) do freely and voluntarily accept the above
 stock transferred to
 Witness

(D)

DEED OF TRANSFER.

I A.B. of
 in consideration of the sum of
 pounds paid to me by C.D. of
 (hereinafter called "the said
 transferee") do hereby transfer to the said transferee the
 sum of pounds
 Aberdeen Corporation per cent. redeemable stock
 standing [or part of the stock
 standing] in my name in the books of the Corporation of the
 City of Aberdeen to hold unto the said transferee his executors
 administrators and assigns [or successors and assigns] subject
 to the several conditions on which I hold the same at the time
 of the execution hereof and I the said transferee do hereby
 agree to take the said stock subject to the same conditions
 As witness our hands and seals the
 day of

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11TH SCH.
 —cont.

(E)

CORPORATION OF THE CITY OF ABERDEEN.

CORPORATION STOCK.

Interest Warrant due.....19

No.....

The Bank Limited

Pay to
 the sum of
 being interest less income tax on Aberdeen Corporation
per cent redeemable stock.....
 for period to.....19.....

£

City Chamberlain.

Signature of payee.....

Intd.....

(F.)

STOCK CERTIFICATES WITH COUPONS TO BEARER.

ABERDEEN CORPORATION REDEEMABLE STOCK CERTIFICATE
 TO BEARER.

Dividend at £ per cent. per annum.

£

A 00000.

This is to certify that the bearer of this certificate is
 entitled to pounds Aberdeen Corporation
 per cent. redeemable stock

transferable pursuant to the

Aberdeen Corporation (Administration Finance &c.) Order
 1939.

Dated

19

Countersigned

A 00000

£

The coupons attached to this certificate are payable at

When the coupons are exhausted this certificate will be
 exchanged on presentation at the office of the registrar of
 the Aberdeen Corporation redeemable stock at
 for a new certificate with fresh coupons attached.

THE TWELFTH SCHEDULE.

FEEs.

	£	s.	d.
On original issue of stock receipt or stock certificate	0	2	6
On any new stock certificate - - - - -	0	2	6
On transfer including certificate - - - - -	0	5	0
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein -	0	0	6
On re-entry in Corporation stock register of stock specified in stock certificate to bearer - - -	0	5	0

THE THIRTEENTH SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Works for which properties may be taken (as referred to in the foregoing Order).	Year of deposited plans.	Number on such plans.
Authorised street improvements—		
Works Nos. 3 4 5 6 and 7 -	1930	124 219.
Work No. 8 - - - - -	1934	2 3.
„ No. 9 - - - - -	„	6.
„ No. 10 - - - - -	„	9 10 11 13 14 15 16 17 18 19 20.
„ No. 11 - - - - -	„	23.
„ No. 12 - - - - -	„	25 26.
„ No. 13 - - - - -	„	29 30.
„ No. 14 - - - - -	„	31 32 33 34 35 37.
„ No. 15 - - - - -	„	40 41 42 43 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61.
„ No. 16 - - - - -	„	64.
„ No. 17 - - - - -	„	67.
„ No. 18 - - - - -	„	69 71 72.
Authorised bridge works—		
Work No. 5 - - - - -	1936	176 177 178 179 180.

THE FOURTEENTH SCHEDULE.

MINUTE OF AGREEMENT between the LORD PROVOST
MAGISTRATES AND TOWN COUNCIL OF THE ROYAL
BURGH AND CITY OF ABERDEEN (hereinafter called
"the Town Council") on the one part and the
ABERDEEN HARBOUR COMMISSIONERS (hereinafter
called "the Commissioners") on the other part.

The said parties hereby agree as follows (namely):—

First.—The Town Council shall sell by way of feu to the Commissioners and the Commissioners shall purchase from them the following portions of ground within the burgh of Aberdeen and county of Aberdeen namely (1) all and whole that piece of ground lying on the east side of and along Pocra Quay as proposed to be widened measuring four thousand seven hundred and twelve square yards or thereabouts and bounded as follows namely on the north by the public road leading from Pocra Pier in an easterly direction towards the Fishers' Squares Footdee along which boundary it measures one hundred and fifty-one feet nine inches or thereby on the east by New Pier Road along which boundary it measures two hundred and eight feet or thereby on the south and south-east partly by property belonging or reputed to belong to Messrs L. Findlay & Son fishcurers Aberdeen and partly by property belonging or reputed to belong to Charles Gordon sometime merchant York Place Footdee now residing in London along which boundary it measures two hundred and three feet eight inches or thereby and on the west and north-west partly by the existing line of the east side of Pocra Quay and partly by Pocra Quay and the public road leading from Pocra Quay to York Street both as proposed to be widened along which boundary running partly in a straight and partly in a curved line it measures two hundred and forty-one feet two inches or thereby and (2) all and whole that triangular piece of ground lying on the west side of the said public road leading from Pocra Quay to York Street measuring seven hundred and eighty-seven square yards or thereabouts and bounded as follows namely on the north by property belonging to the Town Council along which boundary it measures one hundred and three feet ten inches or thereby on the east and south-east by the said public road leading from Pocra Quay to York Street along which boundary running partly in a straight and partly in a curved line it measures one hundred and forty-nine feet or thereby and on the west by property belonging to the

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Commissioners along which boundary it measures one hundred and thirty feet two inches or thereby all as the said two pieces of ground are delineated and tinted red on a plan thereof hereto annexed and signed and sealed of even date herewith by the said parties as relative thereto.

14TH SCH.
—cont.

Second.—The Town Council shall cede the portion of ground tinted blue on the said plan for the purpose of widening the street or roadway opposite to the first-mentioned piece of ground and the Commissioners shall bear the whole expense of forming the said street or roadway in so far as this has not already been done. The materials of all buildings and erections on the said pieces of ground to be feued and on the said portion of ground to be ceded shall belong to the Commissioners.

Third.—As one of the sewers belonging to the Town Council acting in the execution of the Aberdeen Police and Waterworks Act 1862 and Acts amending the same is carried through the first-mentioned piece of ground in the line coloured green on said plan it is hereby agreed that the feu disposition to be executed by the Town Council in favour of the Commissioners shall be granted under the servitude right of wayleave for the said sewer and also under a servitude right of access in all time thereafter for inspecting clearing repairing renewing or otherwise improving the same and that free from payment on any ground whatever except in the event hereinafter specially provided. Further the said feu disposition shall be granted with and under the conditions and provisions following namely that notwithstanding the provisions contained in the two hundred and eight-ninth section of the said Aberdeen Police and Waterworks Act 1862 the Commissioners shall not be prevented from at any time erecting a building or buildings over the said sewer provided due intimation of the intention to erect the same is given to the Town Council and that in the event of the Commissioners at any time proposing to erect any such building or buildings the Town Council shall at their own cost and without the payment by them of any compensation be entitled to erect such works over the said sewer as they may consider necessary for its protection before the Commissioners commence to build and further that in the event of the Town Council or any other persons by their authority entering at any time into or upon the said first-mentioned piece of ground or sewer or works for the purpose either of inspection or of clearing repairing renewing or otherwise improving or removing the said sewer or works they shall pay to the Commissioners all surface damage or injury to the property of any kind thereby occasioned and also in the event of any building having been lawfully erected over the said sewer all damage thereby occasioned to such building and for loss of occupation if any

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14TH SOB.
—cont.

as the said damage may in either case be fixed or valued by two men to be mutually chosen by the parties or by an oversman named by the said valuator.

Fourth.—Entry to the said two pieces of ground shall be given by the Town Council as at the term of Whitsunday one thousand eight hundred and ninety notwithstanding the date of these presents or of the feu disposition to be granted as hereinbefore provided and the Commissioners shall have right to the rents and profits of the same after said term.

Fifth.—The feu duty payable by the Commissioners to the Town Council for the said pieces of ground to be feued as hereinbefore provided shall be one hundred and thirty-seven pounds nine shillings and sixpence payable at two terms in the year Whitsunday and Martinmas by equal portions beginning the first term's payment thereof as at the term of Martinmas one thousand eight hundred and ninety for the half-year immediately preceding and the next term's payment thereof at Whitsunday one thousand eight hundred and ninety-one and so forth at the said two terms in the year in all time thereafter.

Sixth.—The Town Council shall not be bound to make any delivery or exhibition of writs and the Commissioners shall not be entitled to require the Town Council to make up any new or additional title or titles to any part of the premises but in the feu disposition to be executed in favour of the Commissioners the Town Council shall in their corporate capacity grant absolute warrandice.

Seventh.—This agreement which is made subject to such alterations as Parliament may see fit to make thereon shall be scheduled to and confirmed by the Aberdeen Corporation Bill which the Town Council intend to promote in the ensuing session of Parliament.

Eighth.—Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents (printed on this and the preceding page) are with the relative plan executed by the parties in duplicate as follows that is to say are subscribed by George Milne Cook shipowner and George Hutcheson merchant both in Aberdeen being two of the said Aberdeen Harbour Commissioners acting by their direction and on their behalf and sealed with the common seal of the said Commissioners all at Aberdeen on the twelfth day of December one thousand eight hundred and ninety before these witnesses Alexander Yeats depute Town Clerk of Aberdeen and George Strachan assistant in the town clerk's office Aberdeen and are in terms

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of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by David Stewart the lord provost John Crombie the senior baillie and William Gordon the town clerk all of the said royal burgh and city of Aberdeen and sealed with the common seal of the Town Council all at Aberdeen on the said twelfth day of December one thousand eight hundred and ninety before these witnesses the said Alexander Yeats and George Strachan declaring that this testing clause from and after the words "that is to say" is written by George Walker Smith Walker writer in Aberdeen.

14TH SCH.
 —cont.

ALEX. YEATS Witness.

GEORGE STRACHAN Witness.

(L.S.)

DAVID STEWART Lord provost.

JOHN CROMBIE Senior baillie.

W. GORDON Town clerk.

ALEX. YEATS Witness.

GEORGE STRACHAN Witness.

(L.S.)

GEORGE M. COOK Commissioner.

GEO. HUTCHESON Commissioner.

THE FIFTEENTH SCHEDULE.

AGREEMENT between the LORD PROVOST MAGISTRATES AND TOWN COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN (hereinafter called "the Town Council") on the one part and the GREAT NORTH OF SCOTLAND RAILWAY COMPANY (hereinafter called "the Railway Company") on the other part.

The said parties hereby agree as follows (viz.) :—

First.—The Town Council shall sell to the Railway Company and the Railway Company shall purchase from them the three pieces of ground at Rosemount Viaduct measuring together seven hundred and two and two-thirds square yards or thereby as the said three pieces of ground are delineated and coloured pink on the plan marked A annexed and signed by the parties as relative hereto.

Second.—The said three pieces of ground shall be used by the Railway Company solely and exclusively as a passenger station and no part thereof shall at any time hereafter be used for any other purpose without the consent of the Town Council and this condition shall in the conveyance to be granted by the Town Council to the Railway Company and in all future title deeds of the premises be declared a real burden affecting the ground.

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15TH SCH.
—cont.

Third.—The Railway Company shall at their own expense rebuild or heighten and strengthen the existing retaining wall along the west side of Denburn Road between Woolmanhill Tunnel and Rosemount Viaduct so as to carry the new roadway to be formed by the Town Council. The said retaining wall shall be the property of the Railway Company and be upheld and maintained by them at their own expense in all time coming but the Town Council shall have right to construct and maintain a footpath over the top of the said retaining wall to the line of the east side of the fence wall to be erected as hereinafter provided.

Fourth.—The Railway Company shall at their own expense erect along the west side of Denburn Road on the said retaining wall between the said tunnel and Rosemount Viaduct a fence wall of granite masonry five feet in height with gunn coping and take down and rebuild to a uniform height of five feet the existing boundary wall along the west side of Denburn Road for a distance of fifty yards south of the said viaduct.

Fifth.—The Railway Company shall at their own expense construct the stairway to the station in the position shown on the plan marked B annexed and signed by the parties as relative hereto and make such alterations on the parapet of Rosemount Viaduct as may be necessary for forming the entrance to the station and fit up a gateway and lamps all according to detailed drawings to be submitted to the Town Council for their approval by the Railway Company before the work is commenced.

Sixth.—The ashlar masonry of the station buildings shall be of the same description as Rosemount Viaduct the corners cornices mouldings copings and other dressed portions of the work shall be of granite similar in colour and quality to those of the viaduct and the rest of the ashlar work shall be of granite similar in colour and of equal quality to that of the viaduct. A coloured elevation and specification shall be submitted to the Town Council for their approval by the Railway Company before the work is commenced.

Seventh.—The Railway Company shall have no servitude of light or access from the roadway forming the north entrance to Union Terrace Gardens from Skene Street and the Town Council shall be entitled to shut up the said roadway or to alter the level or gradient thereof when or to such extent as they may deem proper.

Eighth.—The Town Council shall also sell to the Railway Company and the Railway Company shall purchase from them for the purpose of erecting a locomotive turntable the piece of ground near the north side of Union Bridge measuring one

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hundred and thirty-six and a half square yards or thereby as the same is delineated and coloured green on the said relative plan marked A.

15TH SCH.
—cont.

Ninth.—The Railway Company shall at their own expense cover over the said last-mentioned piece of ground build the necessary retaining walls bank up and soil the ground and lay out the same in an ornamental manner finish the north end with a gentle slope and construct a flight of granite steps to connect the walk between the two levels The said covering and retaining walls shall be upheld and maintained by the Railway Company at their own expense in all time coming.

Tenth.—The Town Council shall be entitled to alter or divert their sewers and gas and water mains where rendered necessary by the operations of the Railway Company referred to in this agreement and the expense of such works shall be repaid to the Town Council by the Railway Company.

Eleventh.—The Railway Company shall take down the existing fence on the west side of the railway where rendered necessary by their operations and erect along their new boundary a railing and base of the same design as the present.

Twelfth.—The Railway Company shall pay to the Town Council at the term of entry aftermentioned the sum of one thousand two hundred and fifty-two pounds fourteen shillings and ninepence as the price of the whole of said subjects and the said sum shall bear interest at the rate of five per cent. per annum from and after the said date of payment during the non-payment.

Thirteenth.—The Railway Company's term of entry to the subjects shall be at the term of Martinmas one thousand eight hundred and ninety.

Fourteenth.—The station turntable and the whole of the other works herein specified shall be completed and finished by the Railway Company by the first day of January one thousand eight hundred and ninety-two.

Fifteenth.—The whole of the works the execution or maintenance of which under this agreement is undertaken by the Railway Company shall be executed or maintained by them at the sight and to the satisfaction of the burgh surveyor for the time being.

Sixteenth.—The Railway Company and their servants shall be prohibited from firing the furnace or coaling the tender of any locomotive on the said turntable or on any part of the siding leading thereto and coloured yellow on the said relative plan marked A The prohibition contained in this article

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—cont.

shall be inserted as a real burden in the conveyance by the Town Council to the Railway Company.

Seventeenth.—The Town Council shall be entitled to widen Union Bridge to an extent not exceeding fifteen feet on each side at any time when they may deem it expedient to do so provided that the west abutment on the south side shall not to any extent cover or encroach over any of the existing windows of the Palace Buildings and the Railway Company shall have no claim to any compensation for or in connection with such widening beyond payment of the value of any land and buildings thereon required from the company for such purpose as hereinafter provided and of any damage to their adjoining buildings during or in executing such widening it being understood that before the works for this purpose are commenced the Town Council shall give due notice to the Railway Company and furnish them with drawings of the proposed works for their approval so far as they are interested that the whole of the scaffolding and temporary erections necessary and incidental to such widening shall be put up at the sight and to the satisfaction of the engineer of the Railway Company and that the whole of the said works shall be carried on at the risk of the Town Council and so as not in any way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway or with the traffic thereon it being further understood that the widened portion of the bridge shall be so constructed that the vertical headway shall coincide with the existing headway and that the abutments shall be extended in the same lines as the existing abutments of the bridge When the Town Council are ready to proceed with the widening of Union Bridge the Railway Company shall convey to the Town Council their right and interest in the two pieces of ground on the north and south sides respectively of the west abutment of Union Bridge required for the foundation of the extended abutments of the bridge (but for that purpose only) as the said two pieces of ground are coloured blue on the said relative plan marked A on payment of the price calculated at the rate of one pound twelve shillings and sixpence per square yard of the area thereof besides the value of any buildings thereon as herein before provided.

Eighteenth.—Neither party shall be bound to make any delivery or exhibition of writs to the other and neither shall be entitled to require the other to make up any new or additional title or titles to any part of the subjects.

Nineteenth.—Both parties consent to the registration hereof for preservation and execution.

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In witness whereof these presents (printed on this and the two preceding pages) are with the relative plans executed by the parties in duplicate as follows (that is to say) are sealed with the common seal of the said Railway Company and subscribed by William Moffatt secretary for and on behalf of the said company at Aberdeen on the fifteenth day of October eighteen hundred and ninety before these witnesses James Ross and James Watson both advocates in Aberdeen and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by David Stewart the lord provost John Crombie the senior baillie and William Gordon the town clerk all of the said royal burgh and city of Aberdeen and sealed with the common seal of the Town Council of the said burgh all at Aberdeen on the twentieth day of the said month of October before these witnesses Alexander Yeats depute town clerk of Aberdeen and Alexander Macdonald Munro assistant in the city chamberlain's office Aberdeen declaring that this testing clause from and after the words "In witness whereof" is written by George Walker Smith Walker writer in Aberdeen.

15TH SCB.
 —cont.

JAMES ROSS Witness. (L.S.) W. MOFFATT Secretary.
 JAMES WATSON Witness.

ALEX. YEATS Witness. (L.S.) DAVID STEWART Lord provost.
 ALEX. M. MUNRO Witness. (L.S.) JOHN CROMBIE Senior baillie.
 W. GORDON Town clerk.

THE SIXTEENTH SCHEDULE.

AGREEMENT BETWEEN THE LONDON AND NORTH EASTERN RAILWAY COMPANY AND THE CORPORATION.

It is contracted and agreed between the LONDON AND NORTH EASTERN RAILWAY COMPANY incorporated by and in virtue of the Railways Act 1921 (hereinafter called "the Company") of the first part and the LORD PROVOST MAGISTRATES AND TOWN COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN (hereinafter called "the Corporation") of the second part, as follows (namely):—

WHEREAS the bridge belonging to the Company carrying Castle Terrace over the Waterloo branch of their railway at Waterloo goods station in the city of Aberdeen is requiring

Stamp.

Ten shillings.

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—cont.

renewal and the Corporation desire the bridge to be widened and strengthened so as to be capable of carrying the standard loading for highway bridges as approved by the Ministry of Transport in January nineteen hundred and twenty-two and have indicated their willingness with the assistance of a grant from the Ministry of Transport to pay an agreed upon proportion of the cost of construction of the new bridge and relative works :

And whereas it has been agreed that the Company should carry out the construction of such new widened and strengthened bridge with the immediate approaches and all other necessary works connected therewith including the construction of a fifteen feet wide roadway from Cotton Street to the north end of Bannermill Street in said city and also the provision of a temporary bridge over the railway for foot passenger traffic during the construction of the new widened and strengthened bridge all as hereinafter mentioned :

Therefore the parties hereto have agreed and do hereby agree as follows (namely) :—

First.—The new widened and strengthened bridge which shall have a width of forty feet between the parapets together with the immediate approaches thereto and all other necessary works connected therewith including the construction of a fifteen feet wide roadway from Cotton Street to the north end of Bannermill Street shall be constructed by the Company under the sole direction and control of their engineer on the lines shewn on the plan annexed and signed by the parties with reference hereto it being understood that the Corporation shall obtain the consent of the proprietors of St. Clement's U.F. Church to the raising by the Company of the levels of Fish Street and Castle Terrace.

Second.—Before commencing the construction of the new widened and strengthened bridge and approaches thereto the Company shall submit to the Corporation detailed plans sections and specifications for the reasonable approval of the Corporation and the Ministry of Transport.

Third.—In forming the carriageway and footways of the new widened and strengthened bridge the Company shall pave them with mastic rock asphalt and provide suitable kerbing and they shall pave the carriageways of the approaches thereto with granite setts and the footways with adamant paving slabs with suitable kerbing all to the satisfaction of the Corporation's burgh surveyor.

Fourth.—The construction of the new widened and strengthened bridge together with the whole of the street and other works therewith connected shall be proceeded

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with by the Company continuously after commencement and shall be completed as soon as practicable.

16TH SCH.
—cont.

Fifth.—The Company shall make suitable provision in the construction of the new widened and strengthened bridge so as to enable the Corporation or His Majesty's Postmaster-General as the case may be at their own cost to lay (a) along the outer sides but limited to an extension of five feet if entirely on one side or to three feet on each side if on both sides and/or (b) under the footways of the bridge such mains or pipes as may be necessary for the purposes of conveying water gas electricity and telegraph and telephone mains alternatively the Company shall give facilities to the Corporation for laying the said mains or pipes under the railway.

Sixth.—If the Corporation require to place or lay any such mains or pipes as are mentioned in the immediately preceding article the Corporation shall lay the same in such manner and at such times as the engineer of the Company may direct and the Corporation in laying the same or any work connected therewith shall not interrupt or interfere with the working of any traffic on the railway of the Company and the Company shall afford to the Corporation all reasonable and proper facilities for enabling the Corporation to place lay and maintain the said mains or pipes it being understood that His Majesty's Postmaster-General will require to make his own arrangements with the Company for the laying or withdrawing of any mains or pipes belonging to him.

Seventh.—The Corporation shall remove at their own cost any water gas and electric mains or pipes in any of the streets or parts of streets to be stopped up and whether or not the solum of such streets or parts of streets are or are not appropriated by the Company.

Eighth.—The Corporation shall themselves bear all costs and expenses involved in altering any water gas or electric mains or pipes drains and other services which may be necessary in connection with the construction of the new widened and strengthened bridge.

Ninth.—After the construction of the new widened and strengthened bridge which shall belong to the Company the Company shall maintain the superstructure of the bridge and the Corporation shall take over and at their own expense maintain in all time coming the carriageway and footways of the bridge and the approaches thereto including the fifteen feet wide roadway from Cotton Street to the north end of Bannermill Street.

Tenth.—The parties hereto shall jointly accept all responsibility arising in any way out of and during the construction of the new widened and strengthened bridge for

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claims from whatever cause arising which may be made against them or either of them in respect of injury to passengers or goods or other traffic on the railway or by third parties in respect of accident or injury to them or their property arising out of and during the construction of said new widened and strengthened bridge the risk to be covered by insurance to be provided for in the contract for the works and the Corporation shall assume all liability to third parties who may sustain loss injury or damage arising out of the failure properly to perform the obligations incumbent upon them mentioned in the preceding article.

Eleventh.—The Company shall utilise any ground belonging to them required in connection with the construction of the east approach to the bridge including (a) the triangular portion of ground extending to seventy-two square yards or thereby forming part of their property No. 1 Bannermill Street (b) the portion of the yard on the east side of the railway between the existing east approach to the bridge and the lane leading to the south end of Bannermill Street extending to four hundred square yards or thereby and (c) the site of the proposed fifteen feet wide roadway from Cotton Street to the north end of Bannermill Street extending to two hundred and seventeen square yards or thereby all as said three portions of ground are hatched brown on the said plan annexed and signed as relative hereto and in exchange therefor the Company shall be entitled to appropriate the site and soil of the portions of the east approach to the existing bridge so far as not occupied by the new approaches and extending to four hundred and sixty-two square yards or thereby and which shall become the property of the Company.

Twelfth.—Should the Company at any future time require to renew the bridge or decide to add to their lines of railway or to alter or deviate their said railways in any way they shall subject to the consent of the Corporation in so far as they have an interest as road authority which consent shall not be unreasonably withheld be entitled to effect such renewal or to make such alterations or additions upon the new widened and strengthened bridge and the approaches thereto as they may deem necessary or desirable.

Thirteenth.—The Corporation shall during the construction of the works afford to the Company every facility to enable them to carry out such works as expeditiously as possible and so as to entail the minimum interruption and interference with the conduct of traffic on the railway and roadways. In particular the Corporation shall make such arrangements for the regulation of traffic on or along the adjoining streets as may in the opinion of the Company be necessary from time

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to time and shall also arrange for the closing of any or all of the adjoining streets against traffic of all kinds during such periods as may in the opinion of the Company be necessary to enable the said works to be carried out. During the construction of the new widened and strengthened bridge and relative works the Company shall provide a temporary bridge five feet wide over the railway for foot passenger traffic and shall also afford the Corporation suitable provision in the construction of the temporary bridge or otherwise to lay such mains as may be necessary for the purpose of continuing their water gas and electricity services hereinbefore referred to the expense of the temporary bridge to form part of the cost of the bridge referred to in article Fourteenth hereof.

16TH SCH.
—cont.

Fourteenth.—The Corporation shall pay to the Company a sum equivalent to thirteen-twentieths of the actual cost of construction of the new widened and strengthened bridge and all relative works including in such cost (a) any compensation which the Company may require to pay to their tenants or which the Corporation may require to pay to frontagers whose premises are or may be affected and (b) the expenses incurred by the Company in preparing the necessary drawings schedules and specification for said widening and strengthening in supervising the work and protecting the Company's railway and property as such cost shall from time to time be certified by the Company's engineer whose certificates shall be accepted as final by the Corporation. Towards payment of their share of such cost of construction the Corporation shall at intervals of three months or at such other intervals as may be mutually agreed upon pay to the Company instalments equivalent to thirteen-twentieth parts of the sums certified by the Company's engineer as aforesaid as being the actual cost of construction up to the dates of said certificates.

Fifteenth.—It is hereby agreed by the parties that the Corporation shall be entitled to appropriate and apply the sum of one thousand pounds which was paid by the Great North of Scotland Railway Company to the Corporation with any interest accrued thereon (said sum together with the interest thereon amounting at the date of these presents to the sum of two thousand five hundred pounds) referred to in section 7 (4) of the Great North of Scotland Railway Act 1898 and section 35 (9) of the Aberdeen Corporation Order 1915 towards the payment of the share of the actual cost of construction of the new widened and strengthened bridge and relative works payable by the Corporation as provided for in the immediately preceding article.

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16TH SCH.
—cont.

Sixteenth.—The parties hereto bind and oblige themselves and their successors and representatives to fulfil this agreement to each other in the whole articles and clauses thereof under the penalty of five hundred pounds sterling in name of liquidated damages to be paid by the party failing to the party observing or willing to observe the same over and above performance.

Seventeenth.—If any disputes or differences shall arise between the parties during the progress of the works to be carried out in pursuance of this agreement or after their completion or as to the true intent or meaning of the plans sections and specifications referred to in article Second hereof or of these presents then all such disputes or differences are hereby submitted and referred to the decision final sentence and decret arbitral of the sheriff of the county of Aberdeen as sole arbiter.

Eighteenth.—This agreement shall be scheduled to the next Provisional Order to be promoted either by the Corporation or the Company and shall supersede and come in place of (a) the agreement between the parties of date sixteenth and twenty-fourth March nineteen hundred and twenty-six and (b) the provisions of section 7 of the Great North of Scotland Railway Act 1898 and section 35 of the Aberdeen Corporation Order 1915.

Nineteenth.—The parties hereto consent to the registration of these presents in the books of council and session or others competent for preservation and execution.

Twentieth.—This agreement is made subject to confirmation by Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 and subject to such alterations as may be made therein by the Secretary of State or Parliament during the progress of the Order.

In witness whereof these presents printed upon this and the three preceding pages are along with the relative plan executed by the parties hereto in duplicate as follows (videlicet) they are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Corporation by Andrew Lewis the lord provost James Reid Rust the city treasurer and George Sutherland Fraser the town clerk all of the said city and royal burgh of Aberdeen and sealed with the common seal of the Corporation all at Aberdeen upon the twenty-first day of April one thousand nine hundred and twenty-seven in presence of these witnesses George Allan Stephen assistant in the town clerk's office Aberdeen and John Skene town sergeant Aberdeen and they are sealed

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17TH SCH. that is to say The carriageway shall be forty feet in width
—cont. or thereby and shall have on each side—

- (a) A verge of ground eighteen inches in width or thereby which shall be planted with trees at intervals of twenty feet or thereby;
- (b) A pathway ten feet in width or thereby which shall be laid with tar macadam or such other material as the Town Council may select for the purpose;
- (c) A second verge of ground eighteen inches in width or thereby which shall be also planted with trees at intervals of twenty feet or thereby;
- (d) A foot-pavement eight feet in width or thereby along and in front of the building areas belonging to the Association;

all as shown upon the signed plan.

4. The Association shall form and macadamise the carriageway of the intended street and bring the pathways and verges to a proper level and lay out the foot-pavements and construct such bridges or culverts eighty-two feet in width as may be required for carrying the intended street across the north and west burns of Rubislaw. The Town Council shall repay to the Association one-half of the initial cost of forming and macadamising the carriageway and of constructing such bridges and culverts and also the whole of the expense of bringing the pathways and verges to a proper level. The specification for the formation and macadamising of the carriageway and the levelling of the pathways and verges and the formation of the foot-pavements and the construction of the bridges or culverts shall be subject to adjustment between the Town Council and the Association. The Town Council shall bear the whole cost of laying out the pathways of the intended street referred to under the letter (b) in article third hereof.

5. The expense of the future maintenance of the intended street shall be undertaken and borne in manner aftermentioned:—

- (a) The Town Council shall bear the expense of maintaining one-half of the carriageway;
- (b) The feuars from the Association on both sides of the intended street are to bear the expense of maintaining the other half of the carriageway according to their respective frontages. So long as any ground fronting the intended street remains unfeued the expense corresponding to the frontage of the unfeued ground shall be borne by the Association subject to this proviso that any share of expense applicable to

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—cont.

the ends of cross streets and lanes and to the frontage to the intended street of the Rubislaw Den pleasure ground hereinafter referred to may by agreement between the Association and their feuars along the other parts of the proposed street be added to the proportions payable by these feuars respectively so that the Association may to a corresponding extent be freed from the burden of maintenance;

- (c) The Town Council shall bear the expense of maintaining the pathways referred to under letter (b) in article third hereof;
- (d) The obligations and provisions contained in the local Police Acts with respect to the repair macadamising and paving of streets and the forming and laying of footways shall extend and apply to the foot-pavements and also to the carriageway subject always to this proviso that one-half of the expense of maintaining and re-making and when necessary of causewaying the carriageway shall be borne by the Town Council the other half of the expense being borne by the feuars and the Association according to their respective frontages When the carriageway has been causewayed the whole expense of maintaining and when necessary renewing it shall be borne by the Town Council;
- (e) The Association and the Town Council shall each bear one-half of the expense of maintaining the said bridges or culverts.

6. The Town Council shall provide and plant trees in the two verges of ground at intervals of twenty feet or thereby and provide the necessary mould for the trees and keep the verges of ground clean and trim The trees shall be protected by the Town Council and if necessary renewed by them from time to time.

7. Until the Town Council exercise their statutory powers under the local Police Acts in terms of the provision to that effect hereinbefore contained the Town Council shall maintain the whole carriageway of the intended street in good order and repair any expenditure by them thereon being subject to the provision hereinafter contained and the Town Council shall annually at such date as they may from time to time fix make up a statement showing the proportion of the expense of maintenance falling to be repaid by the Association and the various feuars along the intended street The Town Council shall be entitled to recover from the respective parties the proportions due and payable by them respectively If any difference arise

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—cont.

between the Town Council and the Association as to the necessity for any such repairs or the cost or expense thereof the same shall be determined by an arbiter to be appointed by agreement between the Town Council and the Association or in default of agreement to be appointed by the sheriff of the county of Aberdeen. The said bridges or culverts shall in like manner be maintained by the Town Council any expenditure by them thereon being subject to the provision hereinbefore contained as to the reference of any difference to an arbiter and one-half of the expense of maintenance shall be recoverable in like manner by the Town Council from the Association until the whole available feuing land belonging to the Association along the line of the intended street has been feued off or sold after which the whole expense of maintaining the said bridges and culverts shall be undertaken by the Town Council.

8. Each of the feuars from the Association along the intended street shall be entitled at his own expense and subject to the approval of the Town Council to form a crossing between the carriageway and the entrance to his feu. These crossings shall be formed of such material as the Town Council may approve of and shall be maintained by and at the expense of the respective feuars to the satisfaction of the burgh surveyor. Any trees interfering with the construction of such crossings shall be removed by the Town Council.

9. The Town Council shall provide and maintain seats for the use of the public at suitable intervals along the intended street.

10. The Town Council shall bear the expense of making such alterations upon the level of the existing road along the east side of Amatola as may be rendered necessary by or in connection with the formation of the intended street according to the levels shown by the sections on the signed plan. As regards the part of the intended street between Great Western Road and the north boundary of Amatola the Town Council shall bear one-half of the expense of forming and macadamising the carriageway thereof and the other half except to the extent provided in article thirteenth hereof shall be borne by the Association. When this part of the intended street has thus been formed and laid out the Association shall be under no further liability for the future maintenance of the said part beyond their obligation under this Agreement as frontagers on the east side of the said street.

11. The Association shall not be bound or required to give off the ground for or join in making any part of the intended street until they deem it expedient to do so but when and so soon as the Association resolve to lay out the intended street

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or any section thereof and communicate to the Town Council their resolution so to do the Town Council shall co-operate with the Association in carrying out the terms of this arrangement.

17TH SCR.
—cont.

12. The Town Council shall lay a public sewer in the intended street before the carriage way is macadamised. In the event of the Association laying out the intended street in sections and its being necessary to construct the sewer through private ground the Association shall at their own expense obtain the requisite wayleave for this purpose.

13. The Town Council shall purchase the dwelling-house and ground No. 440 Great Western Road and buy up the feuduty affecting the said subjects and shall thereafter take down the building in order that the part of the site and the adjacent ground required for the purpose may be thrown into and form part of the intended street and the Town Council as owners of the remaining part of the ground referred to in this article shall bear a proportional share of the expense of maintaining and renewing the intended street.

14. In respect that the north section of the intended street will run along the west boundary of the Rubislaw Den pleasure ground and that the said ground has been by the Association made subject to special articles and conditions for its regulation and maintenance for the use of the feuars of the parts of Rubislaw skirting the same and in consequence cannot now be assessed by the Association in the same way as the ground belonging to them yet to be feued along the intended street the Association as owners of the said pleasure ground so dedicated to their feuars at Rubislaw Den shall themselves bear a share of the expenses in proportion to the extent of frontage of the said pleasure ground to the intended street of maintaining and renewing the intended street with power always to the Association to obtain total or partial freedom from the obligation thus undertaken by them either by recovering the same from the feuars having right in the Rubislaw Den grounds or by binding their feuars along the other parts of the proposed street for the whole or a share of the expenses covered by this article.

15. The Town Council shall pay to the Association the sum of five hundred pounds as compensation for any loss or damage which by the carrying out of this arrangement may be occasioned to the feuing ground of the Association on the east side of the intended street and lying between it and the property of Louisville. This sum shall be payable when and so soon as the section of the intended street ex adverso of the said feuing ground is formed and laid out by the Association.

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16. The Association undertake that the buildings to be erected along both sides of the intended street on the ground belonging to the Association as well as the gable next the intended street of such buildings as may be erected at the junction of that street with any cross street shall be retired not less than twenty-five feet from the line of the intended street except as regards bay windows which may project in front of the main walls and the Association also undertake that the areas between the intended street and the building line of the houses shall be laid out and kept by the feuars in a neat and ornamental manner.

17. The Association hereby declare that the aforesaid obligations undertaken by the Association for themselves and their feuars for the maintenance of the intended street and for the retirement of the houses therefrom in the terms and to the effect hereinbefore expressed shall be real burdens affecting the ground belonging to the Association along the intended street being the subjects hereinafter described and shall be inserted or validly referred to in all charters conveyances or other writs that may be granted by the Association of the said subjects or any portions thereof so as to be enforceable by and at the instance of the Town Council otherwise such charters conveyances and other writs shall be null and void the ground thus burdened consisting of (first) all and whole that strip of ground sixty feet in width part of the lands of Seafield in the county of Aberdeen lying along the east side of the south section of the said intended street to be called "Anderson Drive" and stretching from the back of the Seafield feu No. 440 Great Western Road west of the lands of Louisville northwards and partly in a slightly curved direction parallel with the east side of the intended street to the boundary between the lands of Seafield and the lands of Rubislaw (second) all and whole that strip of ground sixty feet in width part of the lands of Rubislaw in the county of Aberdeen lying along the east side of the south section of the said intended street to be called "Anderson Drive" and stretching from the south boundary of the said Association's lands of Rubislaw northwards and partly in a slight curve to the south side of Queen's Road opposite to the ground agreed to be feued by the said Association to Alexander Ledingham solicitor (third) all and whole that strip of ground sixty feet in width part of the lands of Seafield in the county of Aberdeen lying along the west side of the south section of the said intended street to be called "Anderson Drive" and stretching from the back of the feu in Great Western Road known as Amatola northwards in a straight line and parallel with the west side of the said intended street to the boundary between the lands of

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Seafield and the lands of Rubislaw (fourth) all and whole that strip of ground sixty feet in width part of the lands of Rubislaw in the county of Aberdeen lying along the west side of the south section of the said intended street and stretching from the south boundary of the said Association's lands of Rubislaw northward and partly in a slight curve parallel with the west side of the intended street and terminating with a frontage of sixty feet on the south side of Queen's Road opposite the ground on the west side of the north section of the intended street which lies opposite the ground agreed to be feued as aforesaid to the said Alexander Ledingham (fifth) all and whole that strip of ground sixty feet in width part of the lands of Rubislaw in the county of Aberdeen lying along the west side of the north section of the said intended street to be called "Anderson Drive" and stretching from Queen's Road opposite the strip of ground last above described first northwards in a straight line afterwards westwards in a curved direction and again northwards in a straight line all parallel with the west side of the intended street and terminating with a frontage of sixty feet on the south side of King's Gate opposite the lands of Summerhill and distant from the east march of the lands of Angusfield fifty feet or thereby (sixth) all and whole that strip of ground sixty feet in width part of the lands of Rubislaw in the county of Aberdeen lying along the east side of the north section of the said intended street to be called "Anderson Drive" and stretching from King's Gate southwards in a straight line parallel with the said intended street to the north-west corner of the Rubislaw Den plantation belonging to the said Association over which as a pleasure ground the proprietors of the feus skirting that plantation have certain servitude rights of use and (seventh) all and whole that strip of ground sixty feet in width part of the lands of Rubislaw in the county of Aberdeen lying along the east side of the north section of the said intended street to be called "Anderson Drive" and stretching from the south-west corner of the said Rubislaw Den plantation first in a curved line and in a south-easterly direction then in another curve in a more southerly direction and then in a straight line in a southerly direction and always parallel with the intended street to Queen's Road including the westmost part of the ground agreed to be feued as aforesaid to the said Alexander Ledingham all as the said seven strips of ground are delineated and coloured green and marked respectively first second third fourth fifth sixth and seventh on the signed plan on which plan also the said intended street is delineated and coloured red but excepting and reserving from the subjects hereby burdened such parts of the said strips of ground above described as may hereafter form parts of the solum of any new streets or lanes which the

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said Association may hereafter lay out running eastward and westward from the said intended "Anderson Drive" it being hereby agreed and declared that on any such streets or lanes being laid out and formed the solum thereof in so far as previously subject to the real burden hereinbefore constituted shall be free from the said burden above set forth and that the Town Council shall if so desired by the said Association grant from time to time any deeds that may be necessary for freeing such plots from the said real burden.

18. In respect of the services of the surveyor who may be employed by the Association in connection with the formation and laying out of the intended street the Association are to be allowed a sum of five per centum upon the total cost of the work such sum to include all charges for (a) surveying and engineering (b) preparing plans sections and specifications and (c) superintending the embanking forming laying out and completion of the intended street The Town Council shall also be allowed a sum of two and a-half per centum upon the total cost of the work in respect of the services of the burgh surveyor in connection with the formation and laying out of the intended street. These two sums or allowances amounting together to seven and a-half per centum shall be borne and paid by the Town Council and the Association in equal proportions—that is to say—one-half by the Town Council and one-half by the Association. During the formation and laying out of the intended street the Town Council and the Association shall if and when deemed necessary be entitled to appoint jointly an inspector to be approved of by both parties. In the event of such an appointment being made the wages of the inspector shall be paid out of the said sum or allowance of seven and a-half per centum—one-half his wages being payable by the Town Council and the other half by the Association.

19. Whereas the Town Council are promoting a Bill in the present session of Parliament entitled "A Bill to authorise the lord provost magistrates and town council of the city and royal burgh of Aberdeen to make certain bridge and street improvements to confer upon them new powers with respect to police matters streets and buildings and for other purposes" and whereas the terms of this agreement were arranged before the said Bill was introduced into Parliament it is hereby declared that nothing contained in the sections of the said Bill of which the marginal notes are as follows:—

- "Deviation of line of new streets";
- "Duration of approval of plans";
- "Erection of lavatories &c.";

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and nothing which may be contained in these sections as they may be modified before passing into law shall extend to or affect this agreement or the intended street or the buildings to be erected on the ground belonging to the Association along both sides of the intended street hereinbefore described.

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—cont.

20. This agreement which is made subject to such alterations as Parliament may see fit to make thereon shall be scheduled to and confirmed by the said Bill. If Parliament before passing the said Bill into law and so confirming this agreement to be scheduled thereto as aforesaid shall make any alteration or alterations upon the provisions of this agreement that the Association may consider objectionable to them or if the Royal Assent be not obtained to the said Bill to the effect of confirming this agreement by the thirtieth day of June one thousand nine hundred the Association may resile from the whole provisions of this agreement by giving written notice of their resolution to that effect to the Town Council within two months after the date of the Royal Assent to the said Bill in the first of the two cases above contemplated or by the first day of August one thousand nine hundred in the other case above contemplated and such notice may be competently given in the form of a letter neither holograph nor tested from and signed by the secretaries of the Association addressed and sent by them to the town clerk of Aberdeen and on such letter being so sent this agreement shall become null and void and of no force or effect and neither of the parties hereto shall have any claim against the other for or in respect of this agreement having thus lapsed.

21. Both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents printed on this and the five preceding pages are executed by the parties in duplicate as follows (that is to say) are subscribed on behalf of the Association by Robert Whyte Mackay and George Pirie two of the directors and Messrs. Edmonds and Ledingham the secretaries (the signature of the firm being adhibited by Alexander Ledingham solicitor one of the partners) and sealed with the common seal of the Association all at Aberdeen on the twenty-sixth day of April one thousand nine hundred before these witnesses George Robb Law apprentice and Douglas Campbell Logan clerk both in the employment of the said Messrs. Edmonds and Ledingham and are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by John Fleming the lord provost Alexander Lyon junior the senior baillie and William Gordon the town clerk all of the said city and royal burgh of Aberdeen and sealed with the common

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seal of the Town Council of the said burgh all at Aberdeen on the twenty-seventh day of the said month of April one thousand nine hundred before these witnesses George Strachan and James Munro both assistants in the town clerk's office Aberdeen declaring that this testing clause from and after the words "in witness whereof" is written by George Milne writer Aberdeen.

JNO. FLEMING Lord provost.
ALEXANDER LYON Jun. Senior baillie.
W. GORDON Town clerk.

GEORGE STRACHAN Witness.
JAMES MUNRO Witness.

Seal.

R. WHYTE MACKAY Director.
G. PIRIE Director.
EDMONDS and LEDINGHAM Secretaries.

GEORGE ROBB Witness.
D. C. LOGAN Witness.

Seal.

THE EIGHTEENTH SCHEDULE.

MINUTE OF AGREEMENT between the LORD PROVOST MAGISTRATES AND TOWN COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN acting under the Aberdeen Police and Waterworks Act 1862 and Acts extending and amending the same (hereinafter referred to as "the Town Council") on the one part and the CORPORATION OF THE ROYAL INFIRMARY AND LUNATIC ASYLUM OF ABERDEEN incorporated by the Aberdeen Royal Infirmary and Lunatic Asylum Act 1887 as proprietors of the lands of Ashgrove and others in the city of Aberdeen (hereinafter referred to as "the proprietors of Ashgrove") and the trustees of the late Mrs. CHARLOTTE MONRO or SIM of Cornhill Aberdeen as proprietors of the lands of Cornhill in the city of Aberdeen (hereinafter referred to as "the proprietors of Cornhill") on the other part.

The parties hereby agree as follows:—

1. The Town Council with the assistance of a State grant from the Unemployment Grants Committee to construct a road (hereinafter referred to as "the new road") 50 feet wide

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in continuation of Westburn Drive from Cornhill Road through the properties of Cornhill and Ashgrove to Back Hilton Road as shown upon the plan annexed and signed as relative hereto.

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—cont.

2. The excambion of ground between the proprietors of Cornhill and the proprietors of Ashgrove to be carried out as shown on the plan so that the new road may be bounded on the west by Cornhill and on the east by Ashgrove and by other ground sometime part of Cornhill now belonging to the proprietors of Ashgrove.

3. The two proprietors to give from their respective properties the ground required for the solum of the road free of charge.

4. The Town Council to relieve the proprietors of Cornhill and the proprietors of Ashgrove of all claims by their tenants arising from the construction of the new road and the extension of Ashgrove Road aftermentioned including any claim by the present tenants of the piece of ground marked green on the plan and of the ground on which the new road and said extension are to be constructed.

5. The Town Council to construct the new road including an extension 50 feet in width of Ashgrove Road from Elmhill Road to the new road in accordance with the plan and the longitudinal sections approved of by the proprietors of Cornhill and the proprietors of Ashgrove and signed by the parties as relative hereto.

6. The Town Council to erect along both sides of the new road from Cornhill Road to Back Hilton Road a suitable open wood or wire fence of a design and character to be approved of by the respective proprietors concerned—the fence on the west side to belong to the proprietors of Cornhill and on the east side to the proprietors of Ashgrove and be maintained by the said respective proprietors The Town Council also to erect a like fence along both sides of said Ashgrove Road extension—to belong to and be maintained by the proprietors of Ashgrove.

7. The Town Council to take the requisite steps for having Elmhill Road shut up and the solum of that road conveyed to the proprietors of Ashgrove and Cornhill to the extent to which that road may lie within their respective boundaries after the completion of the new road.

8. The obligations imposed upon the proprietors of Ashgrove under the disposition granted in their favour by the trustees of the late James Sim of Cornhill dated in 1898 with regard to the formation of the new road therein referred to

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and erection of boundary walls to be discharged by the execution of this agreement.

9. The proprietors of Ashgrove to contribute £500 towards the cost of the new road and of the said extension. The contribution to be payable when the solum of Elmhill Road so far as situated within their boundary has been vested in them.

10. The new road to be continued north-eastwards under agreement with the proprietors of Hilton to connect with Hilton Street so as to form a continuous thoroughfare from Cornhill Road to Clifton Road.

11.—(1) The Town Council to relieve the proprietors of Ashgrove of all and every part of the expense of making paving causewaying maintaining and keeping in repair the new road and the extension of Ashgrove Road and the footways pavements and water channels thereof until in the case of the new road one-third of the frontage areas on the east side of the road and in the case of Ashgrove Road extension one-third of the frontage areas on both sides of the road shall have been built upon or sold or feued out for the purpose of being built upon.

(2) The Town Council to relieve the proprietors of Cornhill of all and every part of the expense of making paving causewaying maintaining and keeping in repair the new road and the footways pavements and water channels thereof until one-third of the frontage areas on the west side of the road shall have been built upon or sold or feued out for the purpose of being built upon.

12. This agreement which is made subject to such alterations as Parliament or the Secretary for Scotland may think fit to make therein shall be scheduled to and confirmed by the Aberdeen Corporation Order 1922 which the Town Council are promoting in the present session of Parliament but in the event of either House of Parliament or the Secretary for Scotland making any material alteration therein either of the parties may withdraw from the agreement.

In witness whereof these presents printed on this and the preceding page of stamped paper the plan hereto annexed and the separate plan showing longitudinal sections are all signed by the parties hereto on the under-mentioned days of March nineteen hundred and twenty-two as follows (viz.) Are on behalf of the proprietors of Ashgrove sealed with the common seal of the said Corporation and subscribed by Robert Williamson Walker civil engineer and William Garden advocate both in Aberdeen members of the asylum board of directors of the said Corporation and Andrew Scott Finnie the clerk of the said board all at Aberdeen on the eighteenth before these witnesses

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Hilda Cornwell Crombie typist and Jean Melvin Mackie clerkess both in Aberdeen to Walker and Duncan civil engineers there Are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by William Meff the lord provost Henry John Gray the senior baillie and William Gordon the town clerk all of the said city and royal burgh of Aberdeen and sealed with the common seal of the Town Council of the said burgh all at Aberdeen on the twentieth before these witnesses Frederick Douglas assistant in the town clerk's office Aberdeen and Charles Ross town sergeant Aberdeen And are on behalf of the proprietors of Cornhill subscribed by the trustees of the said deceased Mrs. Charlotte Monro or Sim as follows By James Hastings Edwards advocate in Aberdeen at Aberdeen also on the twentieth before these witnesses Stewart Salmond Buyers solicitor Aberdeen and Norman Sutherland Rose law apprentice to Edmonds and Ledingham advocates there and by John Milne Henderson local manager in Edinburgh of the North of Scotland and Town and County Bank Limited and George Edward Dudgeon residing at Almond Hill Kirkliston Linlithgowshire both at Edinburgh on the twenty-second before these witnesses Margaret Graham Henderson and James Conocher Allan both clerks in the Edinburgh office of said bank.

FREDERICK DOUGLAS Witness.
 CHARLES ROSS Witness.

(L.S.)

W. MEFF Lord provost.
 HENRY J. GRAY Senior baillie.
 W. GORDON Town Clerk.

HILDA C. CROMBIE Witness.
 JEAN M. MACKIE Witness.

(L.S.)

ROBERT W. WALKER Director.
 WILLIAM GARDEN Director
 A. SCOTT FINNIE Clerk.

M. G. HENDERSON Witness.
 JAMES C. ALLAN Witness.

J. MILNE HENDERSON.
 G. E. DUDGEON.

STEWART S. BUYERS Witness.
 NORMAN S. ROSE Witness.

JAMES H. EDWARDS.

THE NINETEENTH SCHEDULE.

AN AGREEMENT made this twentieth day of April one thousand nine hundred and three between THE CALEDONIAN RAILWAY COMPANY and THE GREAT NORTH OF SCOTLAND RAILWAY COMPANY (hereinafter referred to as "the two Companies") of the one part and the LORD PROVOST MAGISTRATES AND TOWN COUNCIL OF THE CITY AND ROYAL BURGH OF ABERDEEN (hereinafter referred to as "the Town Council") of the other part.

WHEREAS by the Aberdeen Joint Passenger Station Act 1899 (hereinafter referred to as "the Act of 1899") the two Companies were authorised to alter and enlarge their joint passenger station at Aberdeen and to construct certain railways and works in connection therewith:

And whereas it was by section 24 of the Act of 1899 (inter alia) provided that in carrying out the construction of such works the two Companies should at their own cost construct a new and extended bridge in place of the existing bridge carrying Guild Street over the railways of the two Companies (hereinafter referred to as "the Guild Street bridge") according to plans sections working drawings and specifications to be submitted to and approved of by the Town Council and it was also by the said section provided that in constructing the new and extended bridge the two Companies should raise the level of the roadway on the Guild Street bridge to an extent not exceeding two feet higher than the present level of Guild Street at the eastern extremity of the new and extended bridge and that the Town Council should at their own cost raise the level of Guild Street from the east side of Carmelite Street to the said bridge so as to suit the altered level of the said roadway:

And whereas the Town Council are promoting a Provisional Order (hereinafter referred to as "the Order") in the present session of Parliament under the Private Legislation Procedure (Scotland) Act 1899 whereby they seek power (inter alia) to construct a tramway to pass along Guild Street and the Guild Street bridge (in the Order described and hereinafter referred to as "Tramway No. 1"):

And whereas the two Companies have lodged a petition against the Order and in the treaty between the parties as to the withdrawal of the said petition it has been agreed as underwritten:

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Therefore the two Companies and the Town Council have agreed and hereby agree as follows:—

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—cont.

1. The said new and extended bridge shall be so constructed by the two Companies as to have a carriageway of thirty-five feet in width between two main longitudinal girders either plate or lattice work as the Town Council may require and which will project above the surface of the carriageway and a foot pavement eight feet in width on each side of the carriageway outside the said girders and the Town Council shall at their own cost widen the approaches to the bridge to correspond in width with the carriageway and foot pavements thereof respectively.

2. On the completion of the said new and extended bridge the Town Council shall pay to the two Companies the sum of two thousand pounds in respect of (a) the additional cost incurred by the two Companies in constructing the said new and extended bridge in manner provided by this agreement instead of constructing it of the same width as the existing bridge (b) the price or compensation payable by the Town Council for the lands belonging to the two Companies or one or other of them which will be required in connection with the widening of the approaches to the said new and extended bridge and which lands are delineated and coloured red on the plan annexed and signed as relative to this agreement and (c) the cost which may be incurred by the two Companies in maintaining repairing or altering the structure of the said new and extended bridge so far as such cost may be due to the increased width thereof as hereinbefore provided.

3. The Town Council shall pay to the two Companies one-half of the cost that may be incurred by them in reconstructing at any future time the said new and extended bridge so far as such cost may be due to the increase in width provided for in this agreement as such cost shall be ascertained and fixed by the engineers of the parties hereto and failing agreement then by arbitration in manner hereinafter provided For such purpose the increase in width shall be deemed to have been five feet.

4. Nothing in this agreement or in the Order contained shall prejudice or affect the powers of the two Companies to maintain repair alter or reconstruct the said new and extended bridge whenever and to such extent as they shall deem necessary without incurring any liability in respect of interference with Tramway No. 1 or the stoppage of the running of cars thereon for such period as may be necessary for the purposes of such maintenance repair alteration or reconstruction Provided that all operations in connection with such maintenance repair alteration or reconstruction shall be executed by the two Companies in such manner as to cause as little interruption

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or inconvenience as practicable to the traffic on the tramways of the Town Council and that the two Companies shall give fourteen days' notice in writing to the Town Council before commencing any operations interfering with the tramways which last-mentioned operations shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Town Council.

5. If any question shall arise between the two Companies or either of them and the Town Council in regard to the intent or meaning of this agreement or in regard to any matter arising out of or in connection therewith the same shall be referred to the determination of an arbitrator to be mutually agreed upon by the two Companies or Company and the Town Council or failing such agreement to be appointed on the requisition of either party by the Board of Trade.

6. Save as expressly varied by this agreement the provisions of the said section 24 of the Act of 1899 shall continue to have full force and effect and shall be applicable to the said new and extended bridge as constructed under this agreement as fully and effectually as if the said section had originally applied thereto.

7. This agreement shall be scheduled to and confirmed by the Order and shall be subject to such alterations as Parliament may think fit to make therein. Provided that in the event of any such alterations or any amendments in the Order in relation to the said agreement being in the opinion of either party material either party may withdraw therefrom.

In witness whereof these presents consisting of this and the two preceding pages together with the plan before referred to and signed as relative hereto are executed in triplicate as follows (viz.) They are in terms of the Aberdeen Municipality Extension Act 1871 subscribed on behalf of the Town Council by James Walker the lord provost James Taggart the senior bailie and William Gordon the town clerk and are sealed with the common seal of the Town Council at Aberdeen before these witnesses George Strachan and George Thomson both assistants in the town clerk's office Aberdeen they are subscribed by Sir James King baronet and Hugh Brown two of the directors and John Blackburn the secretary and are sealed with the common seal of the Caledonian Railway Company at Glasgow before these witnesses John Smeaton and John Richmond both clerks to the said Caledonian Railway Company in their secretary's office in Glasgow and they are sealed with the common seal of the Great North of Scotland Railway Company and subscribed for and on their behalf by William Moffatt their secretary at Aberdeen before these witnesses John Smith Stuart

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accountant and Charles Alexander Thomson clerk both in the head office in Aberdeen of the said Great North of Scotland Railway Company.

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 —cont.

JOHN SMEATON Witness.	L.S.	HUGH BROWN Director.
JOHN RICHMOND Witness.		JAMES KING Director.
		J. BLACKBURN Secretary.
JOHN S. STUART Witness.	L.S.	W. MOFFATT Secretary,
CHAS. A. THOMSON Witness.		G.N.S. Ry. Co.
G. STRACHAN Witness.	L.S.	JAMES WALKER Lord provost.
GEO. THOMSON Witness.		JAMES TAGGART Senior bailie.
		W. GORDON Town clerk.

THE TWENTIETH SCHEDULE.

ACTS AND ORDERS REPEALED.

Session and Chapter.	Title of Act or Order.	Extent of Repeal.
25 & 26 Vict. c. cciii.	The Aberdeen Police and Waterworks Act 1862.	The whole Act so far as not already repealed (that is to say) :— Sections 1 to 5 inclusive section 8 Parts II III and IV sections 62 to 79 inclusive sections 81 to 84 inclusive sections 85 to 87 inclusive sections 89 to 111 inclusive Parts VII and VIII sections 144 and 146 sections 147 to 156 inclusive section 253 section 287 sections 369 to 379 inclusive Parts XXXI XXXII and XXXIII and the schedules.
29 & 30 Vict. c. xciii.	The General Police and Improvement (Scotland) Supplemental Act 1866.	The whole Act and the Provisional Order scheduled thereto so far as not already repealed (that is to say) :— Sections 1 to 4 inclusive and sections 8 and 9.

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—cont.

Session and Chapter.	Title of Act or Order.	Extent of Repeal.
30 & 31 Vict. c. li.	The Aberdeen Police and Waterworks Amendment Act 1867.	The whole Act so far as not already repealed (that is to say) :— Sections 1 to 12 inclusive sections 16 to 33 inclusive sections 64 to 66 inclusive section 72 sections 80 to 85 inclusive and the schedules.
31 & 32 Vict. c. 8.	The Aberdeen Town Council Act 1868.	The whole Act.
34 & 35 Vict. c. clxi.	The Aberdeen Municipality Extension Act 1871.	The whole Act so far as not already repealed (that is to say) :— Sections 1 and 2 sections 4 to 11 inclusive Parts I II III and IV sections 128 and 129 sections 136 to 139 inclusive sections 143 146 152 and 163 Part VII and Schedules A and B.
44 & 45 Vict. c. lxxiii.	Aberdeen Corporation Act 1881.	The whole Act so far as not already repealed (that is to say) :— Sections 1 to 6 inclusive Part I sections 12 to 14 inclusive sections 16 to 23 inclusive Part IV sections 42 43 48 and 49 section 74 sections 77 and 78 sections 81 to 84 inclusive and Schedules B and C.
46 & 47 Vict. c. lx.	Aberdeen Extension and Improvement Act 1883.	The whole Act so far as not already repealed (that is to say) :— Sections 1 to 6 inclusive sections 7 to 29 inclusive sections 31 to 33 inclusive Parts III and IV Parts VI VII and VIII sections 89 to 92 inclusive and the schedules.
46 & 47 Vict. c. viii.	The Aberdeen County and Burgh Roads Act 1883.	The whole Act so far as it relates to the City and to the Corporation.

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Session and Chapter.	Title of Act or Order.	Extent of Repeal.
47 & 48 Vict. c. cviii.	Aberdeen Improvement Confirmation Act 1884.	The whole Act and the whole of the Provisional Order scheduled thereto including the scheme and schedule authorised by the said Provisional Order.
48 & 49 Vict. c. cxxiii.	The Aberdeen Corporation Water Act 1885.	Section 57.
54 & 55 Vict. c. cxxiv.	Aberdeen Corporation Act 1891.	The whole Act so far as not already repealed (that is to say) :— Section 1 Part I sections 7 to 31 inclusive sections 33 to 38 inclusive Parts III IV and V sections 110 to 114 inclusive sections 127 and 128 and the First to the Eighth Schedules inclusive.
56 & 57 Vict. c. cxciv.	The Aberdeen Corporation (Gas and Water) Act 1893.	The whole Act so far as not already repealed (that is to say) :— Sections 1 and 2 Part I section 30 Part VII sections 40 to 43 inclusive section 49 sections 51 to 53 inclusive.
59 & 60 Vict. c. vi.	Aberdeen Improvement Scheme Provisional Order Confirmation Act 1896.	The whole Act and the whole of the Provisional Order scheduled thereto together with the Scheme authorised by the said Provisional Order.
60 & 61 Vict. c. 38.	Public Health (Scotland) Act 1897.	Section 195.
62 & 63 Vict. c. lx.	Aberdeen Corporation Act 1899.	The whole Act so far as not already repealed (that is to say) :— Parts I and II sections 41 to 44 inclusive and the First Schedule.
63 & 64 Vict. c. ccxxiv.	Aberdeen Police and Improvement Act 1900.	The whole Act so far as not already repealed (that is to say) :— Parts I II and III sections 30 to 35 inclusive section 41 sections 59 to 61 inclusive sections 68 to 74 inclusive and the First and Third Schedules.

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Session and Chapter.	Title of Act or Order.	Extent of Repeal.
3 Edw. 7. c. cxliii.	Aberdeen Corporation Tramways Order Confirmation Act 1903.	The whole Act and section 27 and the Second Schedule to the Order scheduled thereto.
4 Edw. 7. c. clxxxvii.	Aberdeen City Improvements Order Confirmation Act 1904.	The whole Act and the whole Order scheduled thereto.
7 Edw. 7. c. cxi.	Aberdeen Corporation Order Confirmation Act 1907.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Sections 1 and 2 Part I section 17 Part IV sections 31 to 35 inclusive and Parts VIII and IX.
1 & 2 Geo. 5. c. cxxiv.	Aberdeen Corporation Order Confirmation Act 1911.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Sections 1 to 3 inclusive sections 10 to 17 inclusive sections 25 and 26 and the schedules.
5 & 6 Geo. 5. c. 1.	Aberdeen Corporation Order Confirmation Act 1915.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Part I section 29 Part V sections 41 and 42.
10 & 11 Geo. 5. c. cxxiii.	Aberdeen Corporation Order Confirmation Act 1920.	The whole Act and section 31 of the Order scheduled thereto.
12 & 13 Geo. 5. c. xlix.	Aberdeen Corporation Order Confirmation Act 1922.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Part I Part IV Part VI sections 48 to 50 inclusive and sections 52 to 57 inclusive and the Second Schedule.

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Session and Chapter.	Title of Act or Order.	Extent of Repeal.
15 & 16 Geo. 5. c. cxxix.	Aberdeen Corporation Order Confirmation Act 1925.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Sections 1 to 3 inclusive section 6 sections 8 and 9 sections 20 to 32 inclusive sections 35 to 40 inclusive.
18 & 19 Geo. 5. c. xxi.	Aberdeen Corporation Order Confirmation Act 1928.	The whole Act and the whole Order scheduled thereto.
20 & 21 Geo. 5. c. cxxxii.	Aberdeen Corporation Order Confirmation Act 1930.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Parts I and II Part VI Part VIII section 89 sections 91 to 95 inclusive and the Fourth to the Sixth Schedules inclusive.
25 & 26 Geo. 5. c. ii.	Aberdeen Corporation Order Confirmation Act 1934.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Part I sections 5 to 22 inclusive sections 24 to 37 inclusive Parts III and IV section 87 Parts XIII XIV and XV sections 128 to 133 inclusive and the First to the Third Schedules inclusive.
26 Geo. 5. & 1 Edw. 8. c. lxxviii.	Aberdeen Corporation Order Confirmation Act 1936.	The whole Act and the whole Order scheduled thereto so far as not already repealed (that is to say) :— Part I Parts III IV and V section 42 section 60 Part XI sections 73 to 81 inclusive and the First Schedule.
26 Geo. 5. & 1 Edw. 8. c. lxxvii.	Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936.	The words “ and this Order shall “ be included among the Acts “ and Orders which may be “ cited together as the Aberdeen City Acts 1862 to “ 1936 ” in subsection (1) of section 1 section 79 and section 169.

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Session and Chapter.	Title of Act or Order.	Extent of Repeal.
1 Edw. 8. & 1 Geo. 6. c. cii.	Aberdeen Corporation (Water Gas Electricity and Transport) Order 1937.	The words " and this Order and " the Aberdeen City Acts 1862 " to 1936 may be cited together as the Aberdeen City " Acts 1862 to 1937 " in subsection (1) of section 1 and section 280.
2 & 3 Geo. 6. c. iii.	Aberdeen Corporation (General Powers) Order 1938.	The words " and this Order and " the Aberdeen City Acts 1862 " to 1937 may be cited together as the Aberdeen City " Acts 1862 to 1938 " in subsection (1) of section 1 the words " for the general purposes of the City Acts " in section 4 and section 229.

NOTE.—For the repeal of sections 157 and 158 of the Aberdeen Police and Waterworks Act 1862 and of section 124 of the Aberdeen Corporation Order 1934 see Fire Brigades Act 1938.

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