ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

CAP. XXXIX.

An Act to amend an Act to enable Burghs in *Scotland* to establish a general System of Police, and another Act for providing for the Appointment and Election of Magistrates and Councillors for certain Burghs and Towns of *Scotland*.

[21st *June* 1847.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police*: And whereas an Act was passed in the same Session of Parliament in the said Third and Fourth Years of the Reign of His said Majesty, intituled *An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of* Scotland *which now return or contribute to return Members to Parliament, and are not Royal Burghs*: And whereas it is expedient that the Burghs and Towns to which Magistrates and Councillors were by the said last-recited Act provided should have the Power of adopting the Powers and Provisions of the said first-recited Act in the Manner and to the Effect by the said first-recited Act provided in relation to Royal Burghs, Burghs of Regality, and Burghs of Barony: And whereas it is expedient that in all Cases in which the Powers and

3 & 4 W. 4. c. 46.

3 & 4 W. 4. c. 77.

Provisions

Provisions of the said first-recited Act shall be in whole or in part adopted the Execution and Administration thereof should be vested in the Magistrates and Councillors of Royal Burghs, Burghs of Regality, and Burghs of Barony, and of the Burghs and Towns to which Magistrates and Councils were by the said second-recited Act provided that shall adopt the same, and that the Majority of the Electors upon whose Decision such Adoption is provided by the said first-recited Act to take place should be diminished: And whereas by the said second-recited Act no Provision is made for defraying the necessary Expences of the Municipal Establishments thereby constituted, and the other Expences attending the Administration of the Affairs of the said Burghs and Towns, and some of the said Burghs and Towns do not possess any common Good or Means, or do not possess adequate Means of defraying such Expences, and it is necessary that the said first-recited Act should in this and other respects be altered and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth Day of *November* One thousand eight hundred and forty-seven it shall be lawful to all Burghs and Towns to which Magistrates and Councils were by the said second-recited Act provided, and on which Municipal Governments are thereby conferred, to adopt in whole or in part with and under the Powers, Provisions, and Conditions therein contained the Powers, Provisions, and Authorities of the said first-recited Act, and for the Purposes and to the Effect therein provided in relation to Royal Burghs and Burghs of Regality and of Barony adopting the same.

Power to Burghs and Towns to adopt Provisions of General Police Act.

Magistrates and Council may convene Occupiers to determine whether Act shall be adopted.

II. And be it enacted, That where any Royal Burgh or any Burgh of Regality and Burgh of Barony having Magistrates and Councils, and where any Burgh or Town to which Magistrates and Councils were provided under the said second-recited Act, intends to adopt in whole or in part the Powers and Provisions of the said first-recited Act, it shall be lawful for the Magistrates and Council of any such Burghs or Towns, without any such Application of Householders as is by the said first-recited Act prescribed, to convene the Occupiers of Premises of the yearly Value of Ten Pounds in the Manner by the said Act directed to consider and determine whether the Provisions of the said first-recited Act shall be in whole or in part adopted, and the Determination of such Question shall be ascertained in the Manner by the said first-recited Act prescribed.

Resolution to adopt to be carried by Majority of Two Thirds.

III. Provided always, and be it enacted, That the Resolution to adopt the Powers and Provisions of the said first-recited Act in whole or in part shall in all Cases be effectual if it shall be carried by a Majority of Two Thirds of the Number of Persons qualified and voting.

General Police Act to be executed by Magistrates and Council.

IV. And be it enacted, That in any Case where the Powers and Provisions of the said first-recited Act shall be in whole or in part adopted in any Royal Burgh, Burgh of Regality, or Burgh of Barony having Magistrates and Council, and in any Case where the Majority

of Electors aforesaid in any Burgh or Town having a Right by the said second-recited Act to elect Magistrates and Councils shall as aforesaid vote for the Adoption of and shall adopt the Provisions of the first-recited Act in whole or in part, all the Powers and Provisions so adopted shall, instead of being put in execution by Commissioners elected as by the said first-recited Act is prescribed, be put in execution by the Magistrates and Councils of such Burghs and Towns respectively; and all the Powers and Duties by the said Act conferred upon the Commissioners thereby authorized to be elected shall be enjoyed and exercised by the Magistrates and Councils of such Burghs and Towns respectively as the same could have been enjoyed and exercised by the said Commissioners; and the said first-recited Act shall, as far as the same is applicable, be applied to and construed with this Act, and be available to the Magistrates and Councils of such Burghs and Towns, in all respects as if the said Act had been herein re enacted.

Powers of General Police Act where adopted may be vested in Magistrates and Council.

V. And be it enacted, That it shall be in the Option of any Burgh which has already adopted in whole or in part the Provisions of the said first-recited Act either to continue the Execution of the Powers and Provisions of the said Act as far as adopted in the Commissioners elected and to be elected under the Provisions thereof, or at a Meeting of the Electors of such Burgh, to be called in the Manner by this Act directed, and proceeded in in the Manner prescribed by the said first-recited Act, to consider and determine whether the Execution of such Powers and Provisions should not be vested in the Magistrates and Councils of such Burgh; and in the event of their determining that such Powers and Provisions shall be so vested, then and in such Case the Powers and Provisions of the said first-recited Act theretofore vested in such Commissioners shall, after the Expiration of Two Months from the Date of such Determination, cease and be at an end, and thereafter all such Powers and Provisions, and also all the Property and Effects vested in such Commissioners as such Commissioners, shall vest in and belong to such Magistrates and Council in the Manner and to the Effect herein-before provided in respect of future Adoptions of the said first-recited Act.

Procedure in Burghs not having Magistrates and Council.

VI. And be it enacted, That as regards Burghs of Barony and Burghs of Regality not incorporated, and not having Magistrates and Councils, which may resolve to adopt the Powers and Provisions of the said first-recited Act in whole or in part, the Procedure thereto shall remain and be as well in regard to the Meetings to be held for that Purpose as the Execution of the Powers and Provisions of the said first-recited Act by Commissioners in all respects as by the said first-recited Act is authorized and prescribed.

Assessments may be levied in certain Burghs and Towns for Municipal Purposes.

VII. And be it enacted, That it shall be lawful for the Magistrates and Councils of the Burghs and Towns respectively to which Magistrates and Councils are provided by the said second-recited Act in which there are no Means or no adequate Means of defraying the necessary Expences of their Municipal Establishments, and other Expences attending the Administration of the Affairs of such Burghs and Towns respectively, to assess all Tenants, Occupiers, and Possessors of

of Premises within such Burghs and Towns respectively valued at Two Pounds or upwards of yearly Rent in the Sums necessary for defraying the Expences of such Municipal Establishments and Administration aforesaid, but in no Case to an Amount exceeding Three-pence in the Pound of the yearly Rent of such Premises; and such Assessment shall be levied and recovered by the Magistrates and Councils of such Burghs and Towns respectively in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Assessments leviable under the said first-recited Act for Police and other Purposes by the Commissioners therein directed to be chosen are authorized to be levied and recovered.

General Police Act applied to this Act.

VIII. And be it enacted, That the said first-recited Act shall, in so far as the same or any Part thereof is inconsistent with the Provisions of this Act, but no farther, be repealed, and the said Act shall, to the Extent necessary for carrying the Provisions of this Act into effect, be applied to and construed with this Act, and, except in so far as the same is hereby altered, shall remain in full Force and Effect.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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