CHAPTER cix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline and District Tramways. A.D. 1920.

[4th August 1920.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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

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

2. This Act may be cited as the Dunfermline and District Tramways Order Confirmation Act 1920. Short title.

[*Price* 6*d. Net.*]

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SCHEDULE.

DUNFERMLINE AND DISTRICT TRAMWAYS.

Provisional Order to revive the powers and extend the time for the acquisition of certain lands and to extend the time for the completion of certain tramways and works authorised by the Dunfermline and District Tramways (Extensions) Orders 1910 *and* 1915 *and the Wemyss Tramways (Extensions) Order* 1910 *and for other purposes.*

WHEREAS by the Dunfermline and District Tramways Order 1906 (in this Order called "the Order of 1906") the Dunfermline and District Tramways Company (in this Order called "the Company") were incorporated with a share capital of one hundred and fifty thousand pounds and with power to borrow fifty thousand pounds and were authorised to construct the tramways and works therein described all in the county of Fife:

And whereas by the Dunfermline and District Tramways (Extensions) Order 1910 (in this Order called "the Order of 1910") the Company were authorised to raise additional share capital to the amount of ninety thousand pounds and to borrow a further sum of thirty thousand pounds and to construct the additional tramways and works therein described:

And whereas by the Dunfermline and District Tramways (Extensions) Order 1915 (in this Order called "the Order of 1915") the Company were authorised to raise additional share capital to the amount of ninety thousand pounds and to borrow a further sum of thirty thousand pounds and to construct the additional tramways therein described and the powers conferred upon the Wemyss and District Tramways Company Limited by the Wemyss Tramways (Extensions) Order 1910 (in this Order called "the Wemyss Order of 1910") with respect to the construction of the Tramways Nos. 2 2A and 3 and the execution of the Street Works H J K L M N O and P thereby authorised were transferred to the Company:

And whereas the Company have created and issued two hundred and seventy thousand shares of one pound each and

such shares are fully paid up and the Company have not exercised any part of their borrowing powers:

And whereas the Company have constructed and are working the greater part of the tramways authorised by the Order of 1906 the Tramway No. 6 authorised by the Order of 1910 and the Tramways Nos. 1 4 and 6 authorised by the Order of 1915:

And whereas the period limited by the Order of 1910 as extended by the Order of 1915 for the completion of the Tramways Nos. 1 1A 2 3 4 9 and 9A and the Street Works A B C D and M authorised by the Order of 1910 will expire on the twenty-sixth day of July one thousand nine hundred and twenty and it is expedient that such period should be further extended as by this Order provided:

And whereas the period limited by the Wemyss Order of 1910 as extended by the Wemyss Tramways Order 1913 (in this Order called "the Wemyss Order of 1913") and the Order of 1915 for the compulsory purchase of lands for the purposes of the said Tramways Nos. 2 2A and 3 and the Street Works H J K L M N O and P authorised by the Wemyss Order of 1910 expired on the twenty-sixth day of July one thousand nine hundred and eighteen and the period limited by the Wemyss Order of 1910 as extended by the Order of 1915 for the completion of the said Tramways Nos. 2 2A and 3 will expire on the twenty-sixth day of July one thousand nine hundred and twenty and it is expedient that the powers for the compulsory purchase of such lands should be revived and that the period within which such powers may be exercised and the period for the completion of the said tramways should be further extended as by this Order provided:

And whereas the period limited by the Order of 1915 for the compulsory purchase of lands for the purposes of that Order expired on the twenty-sixth day of July one thousand nine hundred and eighteen and the period limited by the Order of 1915 for the completion of the tramways authorised by that Order will expire on the twenty-sixth day of July one thousand nine hundred and twenty and it is expedient that the powers for the compulsory purchase of lands for the purposes of the Tramways Nos. 2 3 5 7 and 8 authorised by the Order of 1915 should be revived and that the period within which such powers may be exercised and the period for the completion of such tramways should be extended as by this Order provided:

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And whereas to meet the great increase in the cost of maintaining and working the tramways which the Company have constructed and are working as aforesaid and the estimated cost of the construction maintenance and working of the tramways in respect of which the periods limited as aforesaid for the completion thereof are extended by this Order it is expedient that the fares rates and charges authorised to be taken by the Company should be increased as in this Order provided:

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

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

Short titles and commencement of Order.

1. This Order may be cited as the Dunfermline and District Tramways Order 1920 and the Dunfermline and District Tramways Orders 1906 to 1915 and this Order may be cited together as the Dunfermline and District Tramways Orders 1906 to 1920 This Order shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Extending period for completion of certain tramways and street works authorised by Order of 1910.

2. The powers granted by the Order of 1910 and extended by the Order of 1915 for the construction of the Tramways Nos. 1 1A 2 3 4 9 and 9A and the Street Works A B C D and M authorised by the Order of 1910 are hereby further extended and may be exercised by the Company for the period of five years from the twenty-sixth day of July one thousand nine hundred and twenty and section 14 (Period for completion of new tramways and street works) of the Order of 1910 shall be read and construed as if the period by this Order limited for the completion of the said tramways and street works had been the period limited by the Order of 1910 for the completion thereof and sections 27 (New tramways deposit fund not to be repaid except so far as new tramways are opened) and 28 (Application of new tramways deposit fund) of the Order of 1910 shall be read and construed as if the period by this Order limited for the completion of the said tramways had been the period limited by the Order of 1910 for the completion thereof.

If the said tramways and street works are not completed within the said period of five years then on the expiration of

that period the powers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Reviving powers and extending periods for compulsory purchase of lands and completion of certain tramways and street works authorised by Wemyss Order of 1910.

3.—(1) The powers granted by the Wemyss Order of 1910 and extended by the Wemyss Order of 1913 and the Order of 1915 for the compulsory purchase of lands for the purposes of the Tramways Nos. 2 2A and 3 and the Street Works H J K L M N O and P authorised by the Wemyss Order of 1910 are hereby revived and further extended and shall continue in force and may be exercised by the Company for the period of three years from the twenty-sixth day of July one thousand nine hundred and twenty and on the expiration of that period those powers shall cease.

(2) The powers granted by the Wemyss Order of 1910 and extended by the Order of 1915 for the construction of the said Tramways Nos. 2 2A and 3 are hereby extended and may be exercised by the Company for the period of five years from the twenty-sixth day of July one thousand nine hundred and twenty and section 12 (Period for completion of tramways) of the Wemyss Order of 1910 and sections 25 (Penalty imposed unless new and transferred tramways opened within limited time) and 26 (Application of penalty) of the Order of 1915 shall be read and construed as if the period by this Order limited for the completion of the said tramways had been the period limited by the Wemyss Order of 1910 and the Order of 1915 for the completion thereof.

If the said tramways are not completed within the said period of five years then on the expiration of that period the powers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Reviving powers and extending periods for compulsory purchase of lands and completion of certain tramways authorised by Order of 1915.

4.—(1) The powers granted by the Order of 1915 for the compulsory purchase of lands for the purposes of the Tramways Nos. 2 3 5 7 and 8 authorised by that Order are hereby revived and extended and shall continue in force and may be exercised by the Company for the period of three years from the twenty-sixth day of July one thousand nine hundred and twenty and on the expiration of that period those powers shall cease.

(2) The powers granted by the Order of 1915 for the construction of the said Tramways Nos. 2 3 5 7 and 8 are

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hereby extended and may be exercised by the Company for the period of five years from the twenty-sixth day of July one thousand nine hundred and twenty and sections 11 (Period for completion of new tramways) 25 (Penalty imposed unless new and transferred tramways opened within limited time) and 26 (Application of penalty) of the Order of 1915 shall be read and construed as if the period by this Order limited for the completion of the said tramways had been the period limited by the Order of 1915 for the completion thereof.

If the said tramways are not completed within the said period of five years then on the expiration of that period the powers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

For protection of Admiralty.

5. For the protection of the Admiralty the following provisions shall except so far as may be otherwise agreed between the Admiralty and the Company have effect (that is to say):—

(1) Notwithstanding anything contained in sections 2 and 4 of this Order Tramways Nos. 5 and 7 authorised by the Order of 1915 so much of Tramway No. 3 authorised by the Order of 1910 as lies between its junction with the said Tramway No. 5 and its junction with Tramway No. 4 authorised by the Order of 1910 and so much of the said Tramway No. 4 as lies between its junction with the said Tramway No. 3 and a point in Hope Street Inverkeithing one hundred and ten yards or thereabouts measured in a northerly direction from where the bridge carrying the Forth Bridge Railway crosses that street shall unless otherwise agreed in writing by the Admiralty be constructed and opened for public traffic by the Company within three years from the twenty-sixth day of July one thousand nine hundred and twenty:

(2) If the said Tramways Nos. 5 and 7 and the said portions of Tramways Nos. 3 and 4 are not constructed or are not under construction at the expiration of one year from the commencement of this Order the Company shall use their best endeavours to provide on or as soon as practicable after the expiration of

such period and they shall provide not later than the expiration of two years and three months from the commencement of this Order a service of omnibuses along the route of the said tramways and portions of tramways and the Company shall maintain and run such omnibuses until the construction of such tramways and portions of tramways has been commenced or if the Company fail to construct such tramways and portions of tramways then until the expiration of the period limited by this Order for the completion thereof Provided that the Company shall not be bound to inaugurate or continue such service of omnibuses unless there is a sufficient number of passengers requiring to be conveyed along the said route.

Increase of fares rates and charges.

6.—(1) Section 43 (Passengers' fares) of the Order of 1906 shall be read and have effect as if the words "one penny half-penny" had been inserted therein instead of the words "one penny" wherever therein occurring.

(2) Section 46 (Rates for parcels &c.) of the Order of 1906 is hereby amended and the Company may with respect to passengers' luggage parcels and single articles demand and take rates and charges not exceeding by more than fifty per centum the corresponding rates and charges respectively specified in that section.

(3) So much of section 48 (Cheap fares for labouring classes) of the Order of 1906 as limits the fares to be charged by the Company for artisans mechanics and daily labourers travelling upon the tramways of the Company is hereby repealed.

(4) Subsection (6) of section 9 (For protection of Admiralty) of the Order of 1915 shall be read and have effect as if—

In paragraph (i) (A) thereof the words "one penny half-penny" had been inserted instead of the words "one penny" and the words "fourpence halfpenny" had been inserted instead of the words "threepence"; and

In paragraph (i) (B) thereof the words "twopence half-penny" had been inserted instead of the words "three-halfpence" and the words "one penny halfpenny" had been inserted instead of the words "one penny".

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Return tickets for labouring class.

7. The Company shall issue to artisans mechanics and daily labourers travelling upon the tramways of the Company or any part or parts thereof in any carriages run by the Company in compliance with the provisions of section 48 (Cheap fares for labouring classes) of the Order of 1906 return tickets available on the day of issue only entitling such artisans mechanics and daily labourers to travel in such carriages once both ways at return fares not exceeding the fares prescribed by the Orders of 1906 to 1915 as increased by this Order for passengers travelling the single journey.

Amendment of Orders of 1906 to 1915.

8. The Dunfermline and District Tramways Orders 1906 to 1915 shall be read and construed as if in lieu of the maximum tolls rates fares and charges thereby prescribed the tolls rates fares and charges as increased by this Order had been thereby authorised.

Provision as to general Tramway Acts.

9. Nothing in this Order contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Company.

Costs of Order.

10. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and the confirming Act or otherwise in relation thereto shall be paid by the Company.

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