CHAPTER vi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Kirkcaldy Corporation.

[27th March 1939.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should 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 contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Kirkcaldy Corporation Order Confirmation Act 1939. Short title.

SCHEDULE.

KIRKCALDY CORPORATION.

Provisional Order to extend the boundaries of the royal burgh of Kirkcaldy to extend the limits of compulsory water supply to consolidate with amendments the Acts and Orders of or relating to the burgh and the gas electricity harbour water and omnibus undertakings thereof to confer further powers with respect to such undertakings and for other purposes.

WHEREAS the royal burgh of Kirkcaldy in the county of Fife (hereinafter called "the burgh") is a royal burgh and the provost magistrates and councillors thereof (hereinafter called "the Corporation") are vested with the municipal and police administration of the burgh and are the local authority within the burgh under the Public Health (Scotland) Acts 1897 to 1907 and also the local authority under the Housing (Scotland) Acts 1925 to 1938 and also the road authority within the burgh:

And whereas the lands available for the erection of dwelling-houses within the burgh are limited and it is necessary to provide for the erection of houses on lands outwith the existing boundaries thereof for the accommodation of persons employed therein for the relief of overcrowding and to meet the needs of an increased population and additional lands will be required for such purposes:

And whereas the areas described in the First Schedule to this Order are situated in the county of Fife and immediately adjoin the burgh and are suitable for such purposes and it is expedient that the same should be included within the boundaries of the burgh:

And whereas the Corporation are the owners of certain service reservoirs and other property within the said areas or some of them and it is expedient that such properties should be included within the boundaries of the burgh:

And whereas it is expedient and would be of public and local advantage that the police and municipal boundaries of the burgh should be extended and that all franchises rights privileges and immunities and the powers jurisdictions authorities and privileges of the provost magistrates and councillors and the burgh and dean of guild courts thereof should be extended over and be applicable to and within the said areas and that the provisions of all public and general and local and personal Acts and Orders relating to or in force for the time being within or applicable to the burgh should as the same are amended by this Order be made applicable to and within the said areas :

And whereas it is expedient that subject to the provisions of this Order the said areas should be separated and disjoined from the county of Fife and be incorporated with and form part of the burgh and that the matters of administration and management and the jurisdictions powers functions and authorities within the said areas hereinafter mentioned should devolve upon and be vested in the Corporation in manner hereinafter appearing :

And whereas it is expedient that the said areas should be added to the existing wards of the burgh :

And whereas the gas electricity harbour water and omnibus undertakings of the burgh are vested in the Corporation as the owners thereof :

And whereas the Acts and Orders relating to the burgh and to the said undertakings are 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 that the Corporation should be authorised to sell part of Loanwells Green in manner hereinafter in this Order provided :

And whereas it is expedient that rule three of the rules of the Prime Gilt Box Society of Kirkcaldy should in consequence of the extension of the burgh be altered in manner hereinafter in this Order provided :

And whereas it is expedient that the compulsory limits of water supply should be extended as hereinafter in this Order is provided :

And whereas it is expedient that the Corporation should be empowered to levy and collect rates assessments and charges within the burgh and in the said areas and to borrow further moneys for the purposes of this Order and otherwise as in this Order is provided :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred on the Corporation and made as by this Order provided :

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 :—

Division of Order into Parts.

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

Part I.—Preliminary.
Part II.—Extension of boundaries and relative provisions.
Part III.—Gas.
Part IV.—Electricity.
Part V.—Harbour.
Part VI.—Water.
Part VII.—Omnibuses.
Part VIII.—Finance—
(*A*)—*Preliminary.*
(*B*)—*Accounts.*
(*C*)—*Rating.*
(*D*)—*Borrowing.*
(*E*)—*Corporation stock.*
(*F*)—*Miscellaneous.*
Part IX.—Miscellaneous.

PART I.

PRELIMINARY.

Short title.

2. This Order may be cited for all purposes as the Kirkcaldy Corporation Order 1939.

Commencement of Order.

3. This Order shall commence and have effect on and from the sixteenth day of May one thousand nine hundred and thirty-nine which date is hereinafter referred to as " the commencement of this Order."

Interpretation.

4. In this Order the terms words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Further in this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

" added areas " means the portions of the county of Fife by this Order incorporated with the existing burgh and shown on the map to be deposited as hereinafter mentioned and marked areas 1 2 3 4 and 5;

" assessor " means the registration officer of the existing burgh or the burgh as the case may be acting under the Election Acts;

" burgh " means the royal burgh of Kirkcaldy as the municipal and police boundaries are extended by this Order;

" Corporation " means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be;

" county " means the county of Fife;

" county council " means the county council of the county;

" district councils " means the Kirkcaldy District Council and the Wemyss District Council;

" dwelling-house " means and shall include all premises used or occupied wholly or partly by any person for residential purposes;

PART I. —*cont.*

"Election Acts" means the Acts in force for the time being relating to the registration of parliamentary and local government electors and the election of town councillors;

"existing" means existing immediately previous to the commencement of this Order;

"existing burgh" means the royal burgh of Kirkcaldy within the municipal and police boundaries thereof as existing immediately previous to the commencement of this Order;

16 & 17 Geo. 5. c. 47.

"gross annual value" has the meaning assigned to it in the Rating (Scotland) Act 1926;

"lands and heritages" means and shall include lands and heritages as defined in the Valuation Acts;

55 & 56 Vict. c. 55.

"occupier" has the meaning assigned to it in the Burgh Police (Scotland) Act 1892;

"owner" has the meaning assigned to it in the Burgh Police (Scotland) Act 1892;

"rateable value" and "rateable valuation" in relation to lands and heritages means the rateable value and rateable valuation thereof as determined by any enactment affecting the same;

"repealed Acts" means those provisions of the Acts and Orders which are repealed by this Order;

"sheriff" means the sheriff of the counties of Fife and Kinross and except where expressly limited to the sheriff includes his substitute sitting at Kirkcaldy for the time being;

"street" means any highway road bridge square lane footpath close court or passage or any part thereof open to be used by the public and whether the same is a thoroughfare or not not being or forming part of any railway railway station or depot but including any street affording access to any dwelling-house belonging to a railway company (other than a station-master's house occupied as such);

"town chamberlain" means the town chamberlain for the time being of the existing burgh or of the burgh as the case may be;

PART I. —*cont.*

"town clerk" means the town clerk for the time being of the existing burgh or of the burgh as the case may be;

"the trustees" means the Wemyss and District Water Trustees incorporated under the Wemyss and District Water Order 1910;

"Valuation Acts" means the Acts in force for the time being relating to the valuation of lands and heritages;

"valuation roll" means the valuation roll made up in pursuance of the Valuation Acts and includes any supplementary valuation roll made up in accordance with the Burgh Police (Scotland) Acts 1892 to 1911 and any Acts amending the same.

Incorporation of Lands Clauses Acts. 8 & 9 Vict. c. 19.

5.—(1) The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous land so far as applicable for the purposes and not inconsistent with the provisions of this Order are incorporated with and form part of this Order.

(2) For the purposes of the incorporation of the Lands Clauses Acts this Order shall be deemed to be "the special Act" and the Corporation shall be deemed to be "the promoters of the undertaking" within the meaning of the said Acts.

PART II.

EXTENSION OF BOUNDARIES AND RELATIVE PROVISIONS.

Extension of boundaries.

6. The burgh shall include and comprehend in addition to the area embraced in the existing burgh the areas embraced in added areas 1 2 3 4 and 5 as described in the First Schedule hereto and the burgh shall be comprised within the boundaries set forth and described in the Second Schedule to this Order:

Provided that the rules prescribed by the Representation of the People Acts shall be observed and

PART II. —*cont.*

receive effect with reference to the description of boundaries contained in the said Second Schedule.

Map of burgh.

7. A map of the burgh of which twelve copies have been signed by Matthew George Fisher K.C. counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936 shall within one month after the commencement of this Order be deposited as follows (that is to say) one copy with the town clerk of the burgh of Kirkcaldy at his office one copy with the sheriff clerk of the county of Fife at his office at Cupar one copy with the clerk of the county council of the county of Fife at his office at Cupar one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Committee and Private Bill Office of the House of Commons one copy at the Scottish Office Whitehall London one copy with the Registrar General of Births Deaths and Marriages in Scotland one copy with the Minister of Agriculture and Fisheries one copy with the Commissioners of Customs and Excise one copy with the Board of Trade one copy with the Electricity Commissioners and one copy with the Minister of Transport If there be any discrepancy between the said map and the description in the Second Schedule to this Order the said map shall be deemed to be correct and shall prevail.

Added areas disjoined from county.

8. The added areas shall be and the same are hereby for the purposes of this Order disjoined from the county.

Abolition of special districts.

9.—(1) Any special lighting drainage or scavenging districts of the county council so far as such districts are included in the added areas shall be and are hereby abolished and to that extent all resolutions of the county council and all orders and decrees of the sheriff or of any other authority constituting or relating to the said special districts shall be of no force or effect and the county council shall be relieved from all obligations in respect of the said special districts so far as such districts are included in the added areas.

(2) The Corporation shall relieve the county council of the existing debt of the said special districts.

(3) The Corporation shall not in respect of such special districts be under any obligations nor except by agreement with the county council exercise any powers in such districts so far as these are beyond the burgh.

PART II. —*cont.* Powers of local authorities to cease in added areas.

10. Subject to the provisions of this Order all jurisdictions rights powers and authorities exercised or exerciseable by the county council or any committee of the county council or by the district councils the trustees or any local or licensing or other authority within or over the added areas or any part or parts thereof respectively shall cease and determine.

New contracts or agreements.

11. The county council the district councils the trustees or other authority within the added areas or any of them shall not after the commencement of this Order without the previous consent of the Corporation make or enter into any contract or agreement in respect of the added areas or any part thereof which imposes or might at any time thereafter impose any obligation or liability on the Corporation except such contract or agreement including bankers' overdrafts or temporary loans as is necessary for carrying into effect obligations existing at and discharging liabilities incurred prior to that date and such as shall be in the ordinary course of the proper administration of their area and the due observance of their statutory obligations and such authorities shall liquidate as far as practicable before the commencement of this Order all current debts and liabilities incurred by them respectively.

Financial and other adjustments with county council and district councils. 4 & 5 Geo. 5. c. 74. 52 & 53 Vict. c. 50. 3 Edw. 7. c. 33.

12. The financial adjustment as between the Corporation and the county council the district councils or the trustees consequent upon the extension of the boundaries as hereinbefore provided in this Order shall be made upon the basis of the provisions of the Local Government (Adjustments) (Scotland) Act 1914 and in accordance with the rules contained in the schedule to that Act and section 50 of the Local Government (Scotland) Act 1889 as applied by section 96 of the Burgh Police (Scotland) Act 1903 shall apply and have effect upon the extension of the boundaries by this Order and any dispute or difference arising in connection with such adjustment shall be settled by arbitration by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of the Corporation or the county council the district councils or the trustees.

Added areas and wards of burgh.

13. The added areas 1 and 2 shall be added to and form part of the first ward of the burgh the added

PART II. —*cont.*

area 3 shall be added to and form part of the second ward of the burgh the added area 4 shall be added to and form part of the third ward of the burgh and the added area 5 shall be added to and form part of the fourth ward of the burgh The boundaries of the existing wards as so enlarged shall respectively be as set forth and described in the Third Schedule to this Order.

Number of councillors and magistrates.

14.—(1) The number of councillors for the burgh shall continue to be thirty and from such number of councillors there shall continue to be elected one provost four bailies one dean of guild and one treasurer.

(2) The number of councillors for the existing wards as enlarged by this Order shall continue to be the same namely nine councillors for the first second and third wards respectively and three councillors for the fourth ward and the councillors of the existing wards as so enlarged shall continue to represent the same until they retire by rotation as is by statute provided.

63 & 64 Vict. c. 49.

(3) The provisions of section 56 of the Town Councils (Scotland) Act 1900 with regard to the period during which the provost shall hold office shall be applicable also to the treasurer Provided that in the event of the holder of either of the said offices resigning such office he shall not be eligible for re-election to the office which he has vacated during the period (if any) between the date on which his resignation takes effect and the date on which he falls to retire from office as a councillor.

(4) The provisions of the Town Councils (Scotland) Act 1900 with regard to the appointment tenure vacating office and supply of vacancies applicable to a bailie shall be applicable also to the dean of guild.

As to appointment of judges of police.

15. In the application to the burgh of section 62 of the Town Councils (Scotland) Act 1900 (which relates to the appointment of councillors to act as judges of police) "the provost bailie or magistrate" shall mean provost bailie or magistrate of the existing burgh or the burgh or the former burgh of Dysart.

Corporation to administer affairs of burgh.

16. The Corporation shall in all respects stand in relation to the administration of the affairs and property of the burgh and of property under the care and management of the burgh in the same position in which the town council of the existing burgh stood previous

PART II. —*cont.*

to the commencement of this Order and the Corporation shall have the same rights and powers of administration of the property and affairs of the burgh and of making all usual and necessary appointments as lawfully belonged to and were exerciseable or exercised by the town council of the existing burgh in regard thereto anything in the set usage or customs of the existing burgh to the contrary notwithstanding.

Powers of provost magistrates and councillors &c. extended.

17. The Corporation and the provost and magistrates and the dean of guild of the burgh and their respective courts shall have possess and may exercise over the burgh and the inhabitants thereof all the jurisdictions powers rights and authorities which they respectively had possessed and exercised over the existing burgh and the inhabitants thereof whether at common law or by royal charter or by statute or otherwise including all powers of borrowing money and imposing levying collecting and recovering assessments rates dues and charges and all rights and privileges and immunities and obligations enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the inhabitants of the burgh.

Officers in burgh.

18. The several officers of the Corporation shall have possess and exercise in their several characters and capacities the same powers and authorities in and over the burgh as they had possessed and exercised in their several characters and capacities in and over the existing burgh whether at common law or by statute but without prejudice to the right of the Corporation to make such arrangements in regard to the said officers and their respective duties as before the commencement of this Order they were entitled to make with reference to the officers of the existing burgh.

Application of general and local Acts and byelaws.

19.—(1) Except so far as inconsistent with or varied by this Order the provisions of all public and general and local and personal Acts and Orders relating to or in force in the existing burgh and all byelaws rules regulations and Orders made thereunder shall extend and apply to the burgh in the same way and to the like extent as they apply to and have effect within the existing burgh.

PART II. —*cont.*

(2) All byelaws rules regulations and orders made under the provisions of any Acts or Orders relative to and in force in the added areas or any part thereof shall cease to have effect except in so far as the same may have been acted upon or relate to any function jurisdiction power or right of the county council which in terms of the section of this Order the marginal note of which is "Saving for certain powers &c. of county council" is not transferred to the Corporation.

(3) Notwithstanding anything in this section contained the byelaws and regulations which shall be made to affect the added areas in regard to the construction occupation use cleansing or sanitation of or any other matter affecting any dwelling-houses cottar-houses cowbyres dairy premises and sculleries milk-houses piggeries dungsteads and other buildings and erections in the added areas or any renewals extensions or enlargements thereof shall not during the period of five years after the commencement of this Order be made in terms more onerous on owners or tenants than the byelaws and regulations in regard to such matters in force at the time in the respective districts of the county of Fife of which the added areas formed part prior to the commencement of this Order.

Assessments on burgh.

20. Every rate charge or assessment authorised to be collected and levied by the county council or the trustees or other local authority having jurisdiction over the added areas or any part thereof but not actually imposed before the commencement of this Order shall on the commencement thereof cease and determine within the added areas and thereafter all assessments and rates leviable on and within the existing burgh shall be leviable on and within the burgh in the same way and manner as the same were leviable on and within the existing burgh.

Recovery of assessments within added areas.

21. Every rate charge or assessment which has been actually imposed by the county council or the trustees within the added areas or any part thereof before the commencement of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council or the trustees and by the same ways and means and under the same restrictions and regulations as if the Act confirming this Order had not been passed and shall

PART II. —*cont.*

be received and applied by the county council or the trustees to and for the purposes for which the same were authorised to be levied.

Transfer of mortifications &c.

22. All mortifications hospitals endowments trusts however constituted charitable bequests or other grants held or administered at the commencement of this Order by the Corporation or by the magistrates councillors or office bearers of the existing burgh shall subject to the conditions and provisions under and upon which the same were conveyed conferred granted settled or held be vested in held and administered by the Corporation or (as the case may be) by the magistrates councillors or office bearers of the burgh or by so many of their number as are appointed or require to be appointed by the Acts Orders or deeds under which such mortifications hospitals endowments trusts charitable bequests or grants are constituted and in the case of mortifications hospitals endowments trusts charitable bequests or grants administered in conjunction with others the Corporation or the magistrates councillors or office bearers as aforesaid as the case may be or any of them shall in all respects have the same rights powers and privileges as the Corporation or the magistrates councillors or office bearers of the existing burgh had before the commencement of this Order.

Property of existing burgh vested in Corporation.

23. Subject to the provisions of this Order the common good and all property heritable and moveable (including all means revenues and income of every description arising therefrom) belonging to the existing burgh or vested in held by or due to the Corporation or to which the Corporation is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof at the commencement of this Order shall be vested in and held by and be due and belong to the Corporation for the behoof and benefit of the burgh or (as the case may be) be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof and all debts liabilities and obligations due by or exigible from the Corporation at the commencement of this Order shall be due by and exigible from the Corporation and all debts due to the Corporation by any person prior to the commencement of this Order may be demanded

PART II. —*cont.*

and recovered from such person and received and applied by the Corporation for behoof of the burgh.

Property and liabilities in added areas vested in Corporation.

24.—(1) Subject to the provisions of this Order all property vested in held by or due or belonging to the county council or any district councils in the added areas shall by virtue of this Order be transferred to vested in held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of such county council or district councils and shall be received held and enjoyed by the Corporation accordingly Provided that without prejudice to any right competent to the county council to require payment in respect of any other property the Corporation shall pay to the county council for all dwelling-houses in the added areas transferred to and vested in the Corporation hereunder such price as may be agreed between the Corporation and the county council or failing agreement as may be determined by arbitration in the manner provided by the section of this Order the marginal note of which is "Financial and other adjustments with county council and district councils."

(2) Subject as in this Order provided all powers duties liabilities debts obligations contracts and agreements of such county council or district councils in relation to the added areas shall by virtue of this Order be transferred and attach to the Corporation and shall form part of the powers duties liabilities debts obligations contracts and agreements of the Corporation and be enjoyed performed paid and discharged by them.

(3) Except as by this Order otherwise provided the Corporation shall determine any question which shall arise as to the department of the Corporation to which any part of such property ought to belong and any question as to the fund of the Corporation out of which such liabilities and obligations shall be defrayed.

Roads streets footpaths and sewers.

25.—(1) All public roads streets highways lanes courts bridges foot pavements and footpaths sewers and drains in the added areas and that portion of the existing Boreland Sewer beyond the burgh so far as the same are vested in and managed maintained and repaired by the county council or district councils respectively shall by virtue of this Order be transferred to and vested in and

PART II. —*cont.*

be managed by the Corporation along with and in the same way and manner and to the same extent as the roads streets highways lanes courts bridges foot pavements and footpaths sewers and drains within the existing burgh.

(2) The Corporation shall if required to do so by the county council allow the drains of any property in the area of the county council not already connected to the said Boreland Sewer to be connected thereto on the same terms as are applicable for drainage facilities within the burgh Provided that the Corporation shall not be bound to allow any such connections to be made if the result would be to load the said sewer beyond its capacity.

(3) Any difference arising between the Corporation and the county council with regard to the use of the said sewer or connections to be made thereto shall be determined by arbitration in the manner hereinafter provided.

Corporation may enter into agreements.

26.—(1) Subject and without prejudice to any of the provisions of this Order the Corporation and the county council or the district councils or other authority or any of them may make and carry into effect agreements with respect to the transfer of property from such authorities or any of them to the Corporation and for settling and adjusting any claims or any doubt or difference arising in relation thereto.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Corporation and of such authorities or any of them respectively and shall have and be carried into effect accordingly.

(3) Any difference arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property liabilities or powers of such authorities or any of them shall failing agreement be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned.

(4) If any question of law shall arise in the course of such arbitration the arbiter shall have power at the request of any of the parties concerned to state a case for the opinion of the court of session and the said court shall determine such question.

PART II. —*cont.*

Books to be evidence.

27.—(1) All books documents maps and plans directed or authorised to be kept by the county council or the district councils or any of them by any Act or otherwise shall so far as they relate to the added areas belong and be transferred to the Corporation and in so far as they would at the commencement of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the said county council or the district councils.

(2) This section shall not apply to the books documents maps and plans kept by the county council and the district councils which relate to any function jurisdiction power or right of the county council which in terms of the section of this Order the marginal note of which is "Saving for certain powers &c. of county council" is not transferred to the Corporation or which relate to parts of the county other than the added areas but the Corporation and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the added areas and the respective clerks or other officers of the county council and the district councils shall afford all necessary and reasonable facilities for that purpose.

Register of electors.

28. After the commencement of this Order and notwithstanding anything to the contrary in any Act contained the following provisions shall apply and have effect with respect to the registration of electors in the burgh (that is to say):—

(i) The duties falling to be performed by any registration officer acting under the Election Acts in the added areas shall be performed by the assessor;

(ii) Whatever is necessary to be done to or by the assessor in relation to the list or register of electors for parliamentary and local government purposes for the existing burgh shall be done to or by the assessor in relation to the list or register of electors for parliamentary and local government purposes for the added areas;

(iii) In order to enable the assessor to make up for the added areas the register of electors for the

PART II. —*cont.*

year commencing the fifteenth day of October one thousand nine hundred and thirty-nine he shall be entitled to access to the books and schedules of the registration officers acting under the Election Acts for the county so far as they relate to the added areas and those registration officers shall give the assessor all necessary and reasonable facilities for that purpose; and

(iv) All rights and liabilities under any contracts entered into prior to the date of the commencement of this Order by the county council or by any registration officer as to the printing of the list or register of parliamentary and local government electors shall so far as applying to the added areas be transferred to and vested in the assessor and the Corporation and all expenses connected with the making up of the register of such electors for the added areas shall be borne in accordance with and in terms of the provisions of the Election Acts.

Power to sheriff to sanction procedure.

29. In the event of circumstances arising in connection with the first election under this Order of councillors which may render it necessary or expedient to fix postpone alter or vary any date or any procedure prescribed by or in pursuance of the provisions of the Election Acts or this Order or any other matter arising thereunder the sheriff may on a summary application by the town clerk sanction such postponement alteration variation or procedure as may in his judgment be best fitted to meet the circumstances of the case and the whole procedure following such sanction and any order made by the sheriff shall be valid and unchallengeable.

Variation of procedure under Temperance (Scotland) Act 1913. 3 & 4 Geo. 5. c. 33.

30. The Secretary of State may in order to meet the circumstances arising from the extension of the existing burgh under this Order by order vary the procedure prescribed by or in pursuance of the Temperance (Scotland) Act 1913 in connection with the taking of polls under the last-mentioned Act or otherwise including any dates fixed in connection with such procedure.

National insurance committees.

31. The powers of the Department of Health for Scotland (hereinafter in this section referred to as "the

PART II. —*cont.*

department") shall operate for the purpose of re-constituting by order made by the department the insurance committees for the county and for the burgh as from the commencement of this Order or such subsequent date as shall be determined by the department and that in such manner and to such extent if any as the department may deem necessary in consequence of the provisions of this Order and for the adjustment consequent on the said provisions of the boundaries of the areas and the financial rights and obligations of the said committees and any such order made by the department may contain such incidental supplemental and consequential provisions as may appear to the department necessary or expedient for carrying the order made by them into effect and for adapting thereto the provisions of the National Health Insurance Acts 1936 and 1938 provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made.

26 Geo. 5. & 1 Edw. 8. c. 32
1 & 2 Geo. 6. c. 14.

Poor law settlement.

32.—(1) Every person whose settlement is derived from birth or residence for the statutory period of three years in the added areas shall be deemed to have a settlement within the burgh.

(2) Every person who at the commencement of this Order is resident in the added areas and is in course of acquiring a settlement in the county by reason of such residence shall for the purposes of his settlement be deemed to have resided within the burgh during the period during which he has prior to the commencement of this Order resided within the added areas.

(3) Where at the commencement of this Order a person has a settlement within the county by reason of residence partly in the added areas and partly in another part of the county the burgh or the county as the case may be shall be deemed to be the area of settlement of that person according as the place of his residence at the time of his acquiring a settlement was within the added areas or within another part of the county.

61 & 62 Vict. c. 21.
24 & 25 Geo. 5. c. 52.

(4) For the purposes of section 4 of the Poor Law (Scotland) Act 1898 and subsection (3) of section 3 of the Poor Law (Scotland) Act 1934 every person who at the commencement of this Order is resident in the added areas shall be deemed to have resided within the

PART II. —*cont.*

burgh during the period during which he has prior to the commencement of this Order resided within the added areas or within any other part of the county.

Saving jurisdiction of sheriff.

33. The sheriff shall continue to hold use and exercise all and every jurisdiction of whatever kind or nature civil as well as criminal which he had or is in any way entitled to hold use and exercise in the same way and manner as if the Act confirming this Order had not been passed without prejudice to the extended application of the jurisdiction of the burgh court provided by this Order.

Saving of election of members to serve in Parliament teinds &c.

34. Nothing in this Order contained shall affect—

(1) The county and the group of parliamentary burghs known as the Kirkcaldy Burghs or the limits of the same or the electors thereof so far as regards the election of members to serve in Parliament all of which shall for parliamentary purposes remain the same as if the Act confirming this Order had not been passed;

(2) The teinds payable out of the lands situated within the burgh or the rights privileges and emoluments of the ministers kirk sessions and session clerks of the parishes within the same or any other ecclesiastical arrangements or jurisdictions;

(3) The holdings or tenure of any lands or heritages; and

(4) The right of any superiors owners or other persons by whom or by whose predecessors roads streets lanes courts bridges foot pavements footpaths sewers and drains in the added areas shall have been formed to recover the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the parties respectively.

Saving for county councillors &c.

35. Notwithstanding anything contained in the Local Government (Scotland) Act 1889 or any Act extending or amending that Act or this Order any member of the county council or of a district council who at the commencement of this Order represents any electoral division situated partly within and partly

PART II. —*cont.*

without the added areas shall continue to be a member of the county council or district council as the case may be (unless he resigns) until the next election of county councillors or district councillors as the case may be after the commencement of this Order.

Saving as to Births Deaths and Marriages Acts. 17 & 18 Vict. c. 80. 24 & 25 Geo. 5. c. 19.

36. Nothing in this Order shall be deemed to affect the parish burgh or other registration district for which a registrar is required to be appointed under the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1934 or the provisions of those Acts with respect to registration districts.

Saving for certain powers &c. of county council.

37. Nothing in this Order contained shall transfer or be deemed or construed to transfer to the Corporation—

(*a*) any function jurisdiction power or right hitherto exercised or exerciseable by the county council within the added areas which was also exercised or exerciseable within the existing burgh by the county council previous to the commencement of this Order;

(*b*) any liability debt duty or obligation incurred by or incumbent on the county council in connection with the exercise of any such function jurisdiction power or right; or

(*c*) any property officer or servant held or employed for the future exercise of any such function jurisdiction power or right or for the discharge of any such liability debt duty or obligation.

Saving of agreements &c.

38. Subject to the provisions of this Order all acts done before the commencement of this Order and all existing conveyances leases mortgages bonds deeds instruments contract agreements obligations rights and remedies shall be and continue as good valid and available for all purposes and for and against all persons as if the Act confirming this Order had not been passed.

Proceedings not to abate.

39.—(1) All legal or other proceedings begun before the commencement of this Order and relating to any property powers duties or liabilities by this Order transferred to the Corporation may be carried on with the substitution of the Corporation as party to the proceedings in lieu of the transferor authority from whom the property powers duties or liabilities was or were transferred and any such proceeding may be amended in such manner as may be necessary for that purpose.

(2) All deeds contracts bonds mortgages leases agreements and other instruments entered into or made and subsisting at the commencement of this Order and affecting any such powers duties liabilities or property shall be of as full force and effect in favour of or against the Corporation and may be enforced as fully and effectually as if instead of the county council the district councils the trustees or any of them or any other authority the Corporation had been a party thereto. PART II. —*cont.*

PART III.

GAS.

40. In this Part of this Order unless the subject or context otherwise requires— Definitions for Part of Order relating to gas.

"Gas undertaking" and "gas works" mean respectively the gas undertaking and the gas works of the Corporation and include the gas works and works connected therewith and any improvements and enlargements thereof which the Corporation may construct under the powers of this Order and all lands properties works buildings machinery plant apparatus appliances servitudes rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with gas works or the manufacture storage or distribution and supply of gas and residual products.

41.—(1) The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not inconsistent with this Part of this Order are hereby incorporated with and form part of this Order :— Incorporation of Gasworks Clauses Acts.

The Gasworks Clauses Act 1847 except— 10 & 11 Vict. c. 15.

Sections 30 to 39 (with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit).

The Gasworks Clauses Act 1871 except— 34 & 35 Vict. c. 41.

Section 6 (relating to the sale of superfluous lands);

Section 8 (relating to appointment of a receiver); and

Section 35 (relating to accounts &c.).

PART III. —*cont.*

(2) For the purposes of the Acts wholly or partly incorporated herewith this Order shall be deemed to be "the special Act" and the Corporation shall be deemed to be "the undertakers" within the meaning of both of such Acts.

Vesting of gas undertaking.

42. The gas undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held used and enjoyed by them.

Limits of gas supply.

43. The limits for the supply of gas by the Corporation (in this Order referred to as "the limits of gas supply") are and shall be the existing burgh and the portion of the parish of Kirkcaldy and Dysart beyond the same and the parishes of Kinghorn Auchtertool Kinglassie and Markinch all within the county of Fife.

General powers of gas supply.

44. The Corporation may subject to the provisions of this Part of this Order manufacture and supply gas for lighting heating motive power and other purposes within the limits of gas supply and may sell or dispose of the residual products arising from the manufacture of gas by them:

Provided that the Corporation shall not supply gas—

(*a*) within that portion of the parish of Kinghorn coloured blue on the plan relative to this section marked Plan No. 1 and signed in triplicate by the town clerk without first obtaining the consent of the Kinghorn Gas Light Company Limited or of the town council of the burgh of Kinghorn in the event of that burgh adopting the Burghs Gas Supply (Scotland) Act 1876 and acquiring the undertaking of the said Kinghorn Gas Light Company Limited; and

39 & 40 Vict. c. 49.

(*b*) within that portion of the parish of Markinch coloured yellow on the plan relative to this section marked Plan No. 2 and signed in triplicate by the town clerk without first obtaining the consent of the Markinch Gas Light Company.

Gasworks &c.

45.—(1) The Corporation may on the lands described in Part I of the Fourth Schedule to this Order maintain erect alter improve continue and renew gasworks with

PART III. —*cont.*

all necessary machinery and apparatus and do all such acts as may be proper for making and storing and for supplying gas within the limits of gas supply and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Corporation may purchase from any source and use such material as is required to work up and convert any such residual products.

19 & 20 Geo. 5. c. 24.

(2) The Corporation may also on the lands described in Part II of the Fourth Schedule to this Order maintain erect alter improve continue and renew works for the storage of gas with all necessary machinery and apparatus ancillary thereto and do all such acts as may be proper for storing gas and for supplying gas within the limits of gas supply.

(3) The Corporation may also on the lands described in Part III of the Fourth Schedule to this Order maintain erect alter improve continue and renew works for securing that the gas supplied by them to Thornton and district is maintained at an adequate and uniform pressure.

(4) The Corporation may continue maintain and use any gas mains pipes and other works belonging to or vested in them within the limits of gas supply as if the same had been laid down or constructed under the powers of this Order.

Additional lands for gas undertaking.

46.—(1) The Corporation may in addition to the lands described in the Fourth Schedule to this Order—

(*a*) retain and hold all lands vested in or acquired by them for the purposes of the gas undertaking at the commencement of this Order; and

(*b*) purchase or acquire by agreement and hold any other lands for the purposes of or in connection with the gas undertaking.

(2) The lands (hereinafter in this section referred to as "the additional lands") which the Corporation may under the powers conferred by subsection (1) of

PART III. —*cont.*

this section retain purchase acquire and hold in addition to the lands described in the Fourth Schedule to this Order shall not at any one time exceed ten acres in extent.

(3) Subject to the provisions of subsection (4) of this section the Corporation shall not create or permit a nuisance on the additional lands.

(4) The Corporation shall not on the additional lands manufacture or store gas or manufacture residual products arising directly or indirectly from the manufacture of gas by them or purchased by them unless they give notice in writing to every owner lessee and occupier of every dwelling-house situated within three hundred yards of the limits of the proposed manufactory or storage tank in question and by advertisement published once a week for two weeks in any newspaper circulating within the burgh of their intention to proceed with such manufacture or storage and obtain the consent in writing of every such owner lessee or occupier thereto :

Provided that in the event of any owner lessee or occupier refusing or delaying to give his consent for more than ten days after the last date of publication of such advertisement the sheriff may on the application of the Corporation and after such investigation and inquiry as he may deem necessary by a deliverance under his hand find and declare that such consent may be dispensed with and such deliverance shall be final and not subject to review and the sheriff shall make such finding as to the expenses of the application as shall seem to him just in the circumstances and it shall not be in the power of the Corporation to renew such application until the expiry of a period of twelve months from the date of the deliverance.

(5) In this section the word "sheriff" shall not include sheriff substitute.

As to streets forming boundary of limits of supply.

47.—(1) Where the limits of gas supply are bounded by or abut upon any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street or part of a street and being within the limits of gas supply exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing

PART III. —*cont.*

pipes as are exerciseable by them with respect to streets within the limits of gas supply subject nevertheless to the observance by the Corporation of the like conditions to those imposed on an exercise of such powers within the said limits.

(2) Nothing in this section shall entitle or require the Corporation to supply gas for any premises outside the limits of gas supply.

Power to lay pipes for ancillary purposes.

48. The Corporation may within the limits of gas supply lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the persons having the control or management of the street or being responsible for the repair thereof having been first obtained but such consent shall not be unreasonably withheld and any difference arising between the Corporation and such persons shall be determined by arbitration in manner hereinafter provided.

As to showrooms &c.

49. The Corporation may in connection with and for the purposes of the gas undertaking continue provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas or resulting from the manufacture of gas and give demonstrations of the uses to which gas or gas residuals can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas or gas residuals and may subscribe or contribute to the funds of any body or company who do all or any of these

PART III. —*cont.*

things whether in connection specifically with the gas undertaking or otherwise and may do all such other acts as they may deem expedient to assist develop or promote the use of gas or gas residuals.

Buildings in connection with gas undertaking.

50. The Corporation may erect purchase or take on lease such buildings as they deem requisite for the purposes of the gas undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of their gas undertaking.

Power to retain sell &c. lands forming part of gas undertaking.

51.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 or any other Act or Order the Corporation may retain hold and use for such time as they may think fit or from time to time sell feu lease excamb or otherwise dispose of any land vested in or belonging to them for the purposes of the gas undertaking or that may be acquired under the provisions of this Part of this Order and that on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Corporation and their successors in title) as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation under this section shall only be applied for the purposes of the gas undertaking to which capital is properly applicable including the redemption of debt.

(2) The Corporation shall not (unless the Secretary of State otherwise directs) sell feu lease excamb 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.

Power to supply gas fittings &c.

52.—(1) The Corporation may purchase supply sell loan or let for hire or fix repair or remove but shall not manufacture gas meters and fittings engines stoves ranges pipes and other fittings or appliances for lighting motive power heating ventilating cooking or any other purposes for which gas or gas residuals (but restricted as regards gas residuals to fittings or appliances or other things generally in use in connection with a gas undertaking)

can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon and may enter into agreements with others to do all or any of the things referred to in this subsection upon such terms and subject to such conditions as the Corporation may think fit.

(2) Any fittings or appliances loaned or let for hire under the provisions of this section shall not be subject to poinding or distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceeding in bankruptcy against the person in whose possession the same may be and notwithstanding that such fittings may be fixed or fastened to any part of the premises in which they may be situated or to the soil under any such premises they shall at all times continue to be the property of and recoverable by the Corporation Provided that such fittings or appliances are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Power to take licences for use of patents.

53. The Corporation may subject to the provisions of this Part of this Order but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply distribution or use of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Power to lay gas pipes in private streets.

54. The Corporation may on the application of the owner or occupier of any premises within the limits of gas supply and abutting on any private street supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Service pipes in tenements.

55.—(1) The Corporation may for the purpose of supplying gas to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging

PART III. —*cont.*

to two or more owners fit up lay and maintain service pipes in such common stair or other access with branch pipes to connect with each separate flat dwelling or premises without the consent of any owner or occupier other than the owner or occupier of the flat dwelling or premises to which the branch pipe is to be connected doing as little damage as may be and making good any damage done Provided that any difference between any owner or occupier on the one hand and the Corporation on the other hand with regard to such damage shall failing agreement be determined by arbitration in manner hereinafter provided.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

Power to lay pipes against buildings for lighting same.

56. The Corporation may with the consent of the owner of any building lay any pipe branch pipe or other necessary apparatus from any main or branch pipe into through or against any such building for the purpose of supplying gas to the occupier of such building and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of the supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch pipe or apparatus.

Notice to Corporation before interfering with mains.

57. Except so far as is otherwise provided by statute the gas mains and pipes of the Corporation laid within any streets shall not (except in cases of emergency) be uncovered or interfered with until after the service of written notice on the Corporation at least forty-eight hours before such operations are commenced.

As to construction and placing of pipes &c.

58. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

(1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different

specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry:

(2) (*a*) The Corporation shall publish once in the Edinburgh Gazette and once in each of two newspapers circulating within the limits of gas supply a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice;

(*b*) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval;

(*c*) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the engineer and manager of the gas department of the Corporation and copies of every such specification shall be purchaseable by any person at the said office at the price of sixpence for each copy:

(3) When at any time after such specification has come into force any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation

PART III. —*cont.*

accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :

(4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :

(5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen :

(6) Any officer of the Corporation duly appointed and showing his authority if required may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings is or are not according to the appropriate specification of the Corporation they may refuse to supply gas to the premises until the provisions of this section have been complied with :

(7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Corporation's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the

PART III. —*cont.*

Corporation shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building:

(8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(*a*) elsewhere than between the main of the Corporation and the meter; or

(*b*) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over:

(9) For the purposes of this section the expression "fittings" includes only the joints angles and connections used in placing or laying pipes.

Charges for gas.

59.—(1) The Corporation shall from time to time fix the charges to be made by them for gas to be supplied provided that the Corporation shall so far as can be estimated so regulate the charges that the proceeds of the sale of gas along with the other revenues of the gas undertaking may one year with another produce the amount of money required for carrying on the undertaking including the payment of interest on any moneys advanced from the loans fund and sums applied in repayment of such advances.

(2) The Corporation may notwithstanding anything to the contrary in this Order or in any Act incorporated

PART III. —*cont.*

herewith (*a*) charge a higher rate for gas supplied by them outside the burgh but not exceeding two pence per therm more than they charge to the same class of consumers within the burgh and (*b*) for a period of five years from the commencement of this Order charge a higher rate for gas supplied by them in that part of the burgh formerly supplied with gas by the Dysart Gas Light Company Limited but not exceeding one and one-half pence per therm more than they charge to the same class of consumer in the remainder of the burgh.

Calorific value of gas.

60.—(1) The Corporation shall in respect of gas supplied by them continue to charge therefor according to the number of British thermal units supplied.

(2) If at any time the Corporation intend to alter the calorific value of the gas supplied by them at the commencement of this Order namely four hundred and twenty-five British thermal units per cubic foot (hereinafter called "the declared calorific value") they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Part of this Order.

(3) The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by the consumer's meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

(4) If and so often as the Corporation shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid Provided that any consumer who so objects shall at his own expense take such steps as are in the opinion of the Corporation necessary to ensure that the gas can be burned with safety.

(5) If the declared calorific value is less than three hundred and fifty British thermal units and not less than

three hundred British thermal units the minimum permissible pressure at which the gas may be supplied shall be two and a half inches and if the declared calorific value is less than three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the Board of Trade. PART III. —*cont.*

(6) Every notice required to be given under this section of this Order shall be given by means of advertisement in the Edinburgh Gazette and a copy of the notice shall be sent to the Board of Trade to every local authority the whole or any part of whose area is within or partly within the limits of gas supply and to every consumer of gas supplied by the Corporation.

(7) The provisions of this section shall have effect as though the provisions thereof were contained in an order made by the Board of Trade under section 1 of the Gas Regulation Act 1920. 10 & 11 Geo. 5. c. 28.

61. The Corporation may in addition to their recourse against the actual consumer charge and recover from the tenant of any house who sublets his house furnished for any period not exceeding two months the amount of rates and charges for gas used and consumed and any other sums due to the Corporation in connection with the gas supply by such sub-tenant during such sub-tenancy but the Corporation shall not have any such recourse against the tenant where prior to the commencement of the sub-tenancy he has given notice to the Corporation of the date of the commencement of the sub-tenancy and the duration thereof. Tenants' liability for sub-tenants' gas supply.

62.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbiter appointed as hereinafter in this section provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of gas supply of the Corporation for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any Relief from obligation to supply.

PART III. —*cont.*

other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(*a*) a new supply of gas for the premises of any person demanding such supply at any time after the commencement of this Order; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation:

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as " the applicant ") shall enter into a written contract with the Corporation—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or

(ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand.

(2) If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas

PART III. —*cont.*

supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbiter to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbiter shall be final and binding.

(3) In determining any such question as aforesaid the arbiter shall have regard to the following among other considerations (that is to say) :—

(*a*) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;

(*b*) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

(4) Subject as aforesaid the provisions of the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section. 57 & 58 Vict. c. 13.

Notices to Corporation by gas consumers.

63. A notice to the Corporation from a consumer (*a*) for the discontinuance of a supply of gas or (*b*) in accordance with the provisions of this Part of this Order shall not be of any effect unless it be given in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the engineer and manager of the gas department of the Corporation or be given by the consumer personally at the said office and shall not take effect until the expiry of twenty-four hours after the receipt thereof by the Corporation.

Recovery and application of penalties

64. All penalties fines and forfeitures imposed for offences against this Part of this Order or any Act relating to gas wholly or partially incorporated herewith may be recovered either according to the ordinary procedure

PART III. —*cont.* under this Part of this Order.

before any court of summary jurisdiction or by application to the sheriff (which application shall be determined by the sheriff in a summary manner) and shall (except penalties fines and forfeitures imposed or recovered from the Corporation) be paid to the Corporation and be by them carried to the revenue account of the gas undertaking Provided that costs or expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered as civil debts and all expenses of prosecutions and convictions in so far as not paid by or recovered from the person contravening the provisions of this Part of this Order shall be paid by the Corporation and form a proper charge against the revenue account of the gas undertaking.

Removal of meters.

65. The Corporation may on giving twenty-four hours' previous notice remove from any house or premises any meters of the Corporation which the Corporation consider to be unsuitable for such house or premises and may substitute for such meters so removed such other meter or meters as are in the Corporation's opinion sufficient for the supply of such house or premises with gas Provided that in the event of any person desiring to retain any such meter of which notice for removal has been so given the Corporation may charge such person such additional yearly rent for such use as the Corporation think fit.

Local or lighting authority may purchase portion of gas undertaking.

66. If at any time the local or lighting authority whether constituted before or after the commencement of this Order of any district beyond the burgh included in the limits of gas supply are desirous to purchase so much of the gas undertaking of the Corporation as is situated within such district or any part thereof and of such desire shall give to the Corporation at least six months' notice in writing the Corporation shall notwithstanding the provisions of any Act or Order at the expiration of such notice sell that portion of their gas undertaking except the works mains and pipes or other apparatus which shall be necessary for supplying with gas any other district or districts at a price to be determined in default of agreement by arbitration in manner provided by the Lands Clauses Acts Provided that after the completion of such purchase all powers and obligations on the part of the Corporation to supply gas

within such first-mentioned district or part thereof as aforesaid shall cease and determine. PART III. —*cont.*

For protection of mines.

67. Nothing in this Part of this Order or in the Acts or parts of Acts incorporated herewith shall limit or interfere with the rights of any owner lessee or occupier of any mines or minerals outside the burgh lying under or adjacent to any road along or across which any gas main or pipe shall be laid to work such mines or minerals.

For protection of Fife County Council.

68. In the exercise of the powers conferred by this Part of this Order the following provisions for the protection of the county council shall (except so far as otherwise agreed upon in writing between the county council and the Corporation) have effect as regards the area of the county council (that is to say) :—

(1) (*a*) All mains pipes and works to be laid in or along any highway or street or in upon or across any bridge repairable by the county council or the roadway over the same or approaches thereto shall be laid in such position in such highway street bridge roadway or approaches or at the side thereof and at such depth as the county council may reasonably direct;

(*b*) In all cases where the Corporation propose to lay mains pipes and works in proximity to any mains sewers pipes or other works belonging to the county council these shall be laid in such positions and at such levels in relation to the mains sewers pipes and works of the county council as the county council may reasonably direct :

(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of this section extend and apply to all highways streets and bridges and the roadways over the same and the approaches thereto and to all other property of the county council opened and broken up or interfered with by the Corporation in the exercise of the powers conferred upon them by this Part of this Order Provided that the notice required by section 8 of that Act shall (except for laying

PART III. —*cont.*

connecting or repairing consumers' service pipes as to which three days' notice shall be given and except in cases of accidental leakage or burst as to which notice shall be given thereafter as soon as may be) be not less than in the case of a bridge or the approaches thereto one month and in all other cases fourteen days and with such notice there shall in every case (except as aforesaid) be sent a plan and section showing the proposed works :

(3) Nothing in this Part of this Order shall authorise the Corporation to interfere with the structural part of any bridge repairable by the county council without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :

(4) The Corporation shall not themselves alter or interfere with any sewers water pipes or other works of the county council or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith but in the event of any alterations or interference with such works aforesaid being required by the Corporation in the exercise of the powers conferred upon them by this Part of this Order such alterations or interference with such works shall be executed by the county council and the county council shall use every means in their power to have such alterations on or interference with their respective works executed as economically as possible and with all reasonable dispatch and in such a manner as will not unduly delay any operations of the Corporation The reasonable cost of so much of such alterations or interference with such works by the county council as is reasonably due to the operations of the Corporation shall be paid by the Corporation to the county council within three months after a detailed account thereof shall have been rendered to the Corporation and should any dispute arise as to what is due by the Corporation the same shall be determined

by arbitration as hereinafter in this section provided: PART III. —*cont.*

(5) In the event of any alterations on or deviations of any sewers water pipes or other works and property of the county council being necessary by or in consequence of the operations of the Corporation for more effectually securing and safeguarding the same or for the construction of such works as may be required for the protection of the county council such alterations or deviations or protection works shall be executed and completed by the county council at the expense of the Corporation Provided that no such works intended to be executed at the expense of the Corporation shall be commenced without giving at least fourteen days' previous notice in writing or if the circumstances are urgent then such notice as the circumstances permit to the Corporation with the particulars including plans and sections of the works intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Corporation and the Corporation may elect to vary or alter their works so as to render unnecessary or lessen the proposed operations on the part of the county council and require the intended alterations or deviations to be correspondingly varied:

(6) The county council shall at all times have right of access to their existing and future sewers water pipes and other works and to any protective works which may be constructed as herein provided for the purpose of the examination cleansing and renewal repair and duplication enlargement alteration and maintenance of the same and for making any additional works which they may consider necessary or may see fit or may be hereafter authorised to construct:

(7) The county council shall not be liable for or in respect of any damage or injury to any mains pipes or other works of the Corporation laid down or constructed under the powers of this Order in or on any highway street or bridge

PART III. —*cont.*

or the roadway over a bridge or the approaches thereto caused by the use of road rollers and other road plant and heavy traffic or resulting from the exercise by the county council of the powers vested in them from time to time :

(8) Nothing in this Part of this Order contained shall take away or abridge any power vested or to be vested in the county council to construct build lay repair maintain open or break up alter enlarge improve widen divert or relay or reconstruct any highway road street bridge or any sewer drain main pipe channel or conduit or other works of the county council and in the event of the county council in the exercise of any such power finding it necessary to interfere with any pipes works lamp-posts or fittings of the Corporation the Corporation shall at their own cost alter relay or if necessary remove such pipes works lamp-posts or fittings temporarily or permanently as may be reasonably required to meet the new or changed conditions :

(9) All works shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any highway or street or over any bridge carrying any highway or the approaches thereto :

(10) The Corporation in opening or breaking up the highways streets bridges or roadways under the jurisdiction of the county council shall not without the consent of the county council have more than one hundred lineal yards open or broken up at any one place at one time in any such highway street bridge or roadway and the Corporation shall complete their operations and restore the said highway street bridge or roadway and the surface thereof to the satisfaction of the county council with all reasonable dispatch and maintain the same for a period of twelve months from the date of a certificate by the county council or their surveyor certifying that such highway street bridge or roadway has been satisfactorily restored The restoration of highways streets

PART III. —*cont.*

or roadways under this section shall mean and include the bottoming of the tracks opened up with materials and in a manner reasonably satisfactory to the county council and the metalling rolling and completion of the tracks also with materials and in a manner reasonably approved of by the county council and in the case of streets which are causewayed it shall mean the causewaying of the streets in a manner reasonably satisfactory to and reasonably approved of by the county council Provided that in the event of the county council so determining they may themselves restore the surface of the roadway or street where interfered with by the Corporation and the expense incurred by them in so doing and any extra expense in subsequent maintenance of the roadway or street on account of the interference of the Corporation therewith shall be repaid by the Corporation to the county council:

(11) In the event of the county council deciding at any time to apply for powers to supply electric light within any portion of their district situated within the limits of gas supply but outwith the burgh the Corporation shall not oppose any such application:

(12) The Corporation shall if required by the county council supply such county council with gas for the purposes of the public lighting of any special lighting district formed or which may be formed by the county council which is within the limits of gas supply but outwith the burgh or any portion thereof or for the public lighting of any highway within such limits at a price to be agreed upon or failing agreement determined by arbitration as hereinafter in this section provided and if any portion of such special lighting district or highway be outside but adjoins such limits the Corporation shall if required by the county council and in so far as they may do so competently also supply the county council with gas at the price to be agreed upon or determined by

PART III. —*cont.*

arbitration as aforesaid for the purposes of the public lighting of such portion of such special lighting district or such highway:

(13) The Corporation shall pay to the county council the reasonable costs which they may incur in the repair and reinstatement of so much of any highway or street or the roadway of any bridge carrying any highway or street or the approaches thereto in which the mains pipes and works of the Corporation are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes:

(14) Any extra expense which may be incurred by the county council in carrying out any powers vested or which may be vested in them by any existing or future Act of Parliament or otherwise in consequence of works of the Corporation already existing or of the construction of works by this Part of this Order authorised shall be repaid to the county council by the Corporation:

(15) The Corporation shall pay to the county council the costs or expenses they may reasonably incur or be put to in superintending the works authorised by this Part of this Order or with reference to any of the matters contained in this section:

(16) All notices to be given or plans to be submitted under the provisions of this section shall be deemed to be sufficiently served on or submitted to the county council if the same be sent to the clerk to the county council at his office at Cupar:

(17) The powers of the Corporation to supply gas within any part of the county shall not on any future occasion be founded on as an argument for the extension of the boundaries of the burgh:

(18) The Corporation shall not oppose any application by the county council for powers to supply gas within the limits of gas supply but outwith the burgh so far as within the county or any part thereof Provided that the county council

PART III. —*cont.*

are willing to take over in the manner provided in the section of this Order of which the marginal note is "Local or lighting authority may purchase portion of gas undertaking" the works mains pipes or other apparatus of the Corporation so far as within any area within which or for which the county council might obtain powers to supply gas (except the works mains pipes or other apparatus of the Corporation which shall be necessary for supplying with gas any other district or districts) or alternatively provided the county council agree to take from the Corporation a supply of gas in bulk for the service of such area:

(19) If any difference at any time arises between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration in manner hereinafter provided.

Burghs Gas Supply (Scotland) Act to cease to apply. 39 & 40 Vict. c. 49.

69. The Burghs Gas Supply (Scotland) Act 1876 which was adopted by the Corporation by resolution passed on the tenth day of May one thousand nine hundred and nine and approved on the fifteenth day of November one thousand nine hundred and nine and which by section 40 (Adoption of Burghs Gas Supply (Scotland) Act) of the Kirkcaldy Corporation Order 1930 was deemed to include the burgh of Dysart also shall as and from the commencement of this Order cease to apply to the burgh.

PART IV.

ELECTRICITY.

Definitions for Part of Order relating to electricity. 45 & 46 Vict. c. 56. 26 Geo. 5. & 1 Edw. 8. c. 20. 62 & 63 Vict. c. 19.

70. In this Part of this Order unless the subject or context otherwise requires—

"The principal Acts" means the Electricity (Supply) Acts 1882 to 1936;

"The schedule of 1899" means the schedule to the Electric Lighting (Clauses) Act 1899 as amended by subsequent Acts;

"Electricity undertaking" means the electricity undertaking of the Corporation and includes

PART IV. —*cont.*

the generating and transforming stations of the Corporation and any improvements and extensions or enlargements thereof which the Corporation may construct under any statutory powers for the time being possessed by them and all lands properties works buildings machinery plant electric lines mains apparatus appliances servitudes rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the generation transformation distribution transmission supply and use of electricity;

"Area of supply" means the area within which for the time being the Corporation are or shall be authorised to supply electricity;

Words and expressions to which by the principal Acts and the schedule of 1899 meanings are assigned have the same respective meanings.

Vesting of electricity undertaking.

71. The electricity undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held used and enjoyed by them and the undertakers for the purposes of this Part of this Order the principal Acts and the schedule of 1899 shall be the Corporation.

Incorporation of Electric Lighting (Clauses) Act 1899.

72.—(1) The provisions contained in the schedule of 1899 with the exception of section 8 subsection (1) of section 21 and section 84 of that schedule are incorporated with and form part of this Order in so far as not varied or altered by this Order Provided that section 33 of the said schedule shall be read and have effect as if after the word "ascertained" occurring therein there were inserted the words "and the terms and conditions of supply."

(2) For the purposes of the incorporation of the said schedule this Order shall be deemed to be "the special Act" and the Corporation shall be deemed to be "the undertakers" within the meaning of the said schedule.

Application of Electric Lighting (Clauses) Act 1899.

73. Subject to the provisions of Part VIII (Finance) of this Order the provisions of the schedule of 1899 incorporated with this Order shall apply to the electricity

undertaking in all respects as though that undertaking had been originally authorised by this Order. PART IV. —*cont.*

Area of supply.

74. The area of supply for the purposes of this Part of this Order and within the meaning of section 4 of the schedule of 1899 is and shall be the Municipal Burgh of Kirkcaldy as constituted in 1899.

Generating station lands.

75. The Corporation may upon the lands described in the Fifth Schedule to this Order continue maintain improve alter enlarge work and use their existing generating station together with all such machinery and plant as may be required by the Corporation to enable them to generate transform and transmit electricity and the Corporation may on those lands generate transform and transmit electricity accordingly Provided that nothing in this section shall relieve the Corporation from the necessity for obtaining the consent of the Electricity Commissioners under the provisions of the principal Acts to any extension of the existing generating station or to the erection of a new generating station.

Additional lands for electricity undertaking.

76. In addition to the lands referred to in the section of this Order of which the marginal note is " Generating station lands " the Corporation may retain and hold all lands vested in or acquired by them for the purposes of the electricity undertaking at the commencement of this Order and they may also purchase by agreement and hold any other lands not exceeding ten acres for the purposes of or in connection with the electricity undertaking Provided that the Corporation shall not create or permit a nuisance on any such lands and nothing in this section shall authorise the Corporation to erect a station for generating electricity on such lands.

Acquisition of land for substations. 22 & 23 Geo. 5. c. 49.

77. The Corporation may from time to time subject to the restrictions in Part II of the Third Schedule to the Town and Country Planning (Scotland) Act 1932 purchase land compulsorily for the purpose of the erection thereon of a station for transforming converting or distributing electricity and they may make a compulsory purchase order in respect of any such land which shall be submitted to the Minister of Transport 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

PART IV. —*cont.*

shall have effect for the purposes of this section subject to the substitution of the Minister of Transport for the Department of Health for Scotland Provided that anything which under the Town and Country Planning (Scotland) Act 1932 has to be prescribed shall for the purposes of this section be prescribed by the Minister in such manner as he may think fit Provided further that this section shall not apply to any land or property belonging to a railway company and forming part of their undertaking.

Power to retain sell &c. lands forming part of electricity undertaking.

78.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 or any other Act or Order the Corporation may retain hold and use for such time as they may think fit or from time to time sell feu lease excamb or otherwise dispose of any land vested in or belonging to them for the purposes of the electricity undertaking or that may be acquired under the provisions of this Part of this Order and that on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Corporation and their successors in title) as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation under this section shall only be applied for the purposes of the electricity undertaking to which capital is properly applicable including the redemption of debt.

(2) The Corporation shall not (unless the Secretary of State otherwise directs) sell feu lease excamb 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.

Power to construct substations under streets.

79. Subject to the provisions of the principal Acts and the schedule of 1899 the Corporation may in or under any public street and (with the consent of the persons liable to repair the same) in or under any private street and being in either case a street within the area of supply construct and maintain substations transforming stations or other works in connection with the electricity undertaking and may in any such street as aforesaid provide

and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient Provided that— PART IV. —*cont.*

(*a*) Where in the opinion of the Corporation the consent of the person liable to repair any private street is unreasonably withheld the Corporation may appeal to the sheriff who shall have power to allow the construction and maintenance of such substations transforming stations and works subject to such terms and conditions as he may think reasonable or to disallow the same; and

(*b*) The Corporation shall not construct any such substation transforming station or work (i) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company which consent shall not be unreasonably withheld or (ii) so as to obstruct or interfere with or render less convenient the access to or exit from any station or depot or hotel of a railway company.

Any difference which may arise between a railway company and the Corporation under this section shall be determined by arbitration in manner hereinafter provided.

As to use of transformers.

80. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may subject to the provisions of the agreement under which the transformer was provided use the said transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which that transformer was originally provided so however that the powers conferred by this section shall not enable the Corporation to extend the transformer so provided beyond the limits of the original site thereof.

Price of electricity.

81.—(1) The following provisions shall apply as regards the maximum prices which may be charged

PART IV. —*cont.*

by the Corporation for energy supplied as mentioned in section 32 of the schedule of 1899 :—

(*a*) Where the Corporation charge any consumer by the actual amount of electricity supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to 20 units 13*s.* 4*d.* and for each unit over 20 units 8*d.*;

(*b*) Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in the immediately preceding paragraph the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the regulations of the Electricity Commissioners.

(2) For the purposes of this section the expression "unit" shall mean the energy contained in the power of one thousand watts operating for a period of one hour.

Tenants' liability for sub-tenants' electricity supply.

82. The Corporation may in addition to their recourse against the actual consumer charge and recover from the tenant of any dwelling-house who sublets the same furnished for any period not exceeding two months the amount of rates and charges for electricity used and consumed and any other sums due to the Corporation in connection with the electricity supply by such sub-tenant during such sub-tenancy but the Corporation shall not have any such recourse against the tenant where prior to the commencement of the sub-tenancy he has given notice to the Corporation of the date of the commencement of the sub-tenancy and the duration thereof.

Period of error in defective meters.

83.—(1) Where a meter supplied by the Corporation is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found

PART IV. —*cont.*

from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date.

(2) The amount of the allowance to be paid to or the surcharge to be made upon such person by the Corporation shall be paid by or to the Corporation as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable.

(3) The Corporation shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

(4) Nothing in this section shall affect the rights of the Corporation under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters).

Power to lay electric mains in private streets.

84. The Corporation may within the area of supply for the purpose of supplying any premises with electrical energy lay down take up alter relay or renew in across or along any street or any part thereof not repairable by the local authority and the private railway crossing in Den Road belonging to Michael Nairn and Company Limited such mains wires apparatus and other works as may be requisite or proper for furnishing such supply and the provisions of the principal Acts and the schedule of 1899 with respect to the breaking up of streets repairable by the local authority for the purpose of laying mains shall extend and apply mutatis mutandis to and for the purposes of this section and to any works constructed or executed by the Corporation under the provisions of this section.

Attachment of brackets &c. to buildings and bridges.

85.—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

PART IV. —*cont.*

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may appeal to the sheriff who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

(*a*) any building forming part of an aerodrome; or

(*b*) any building which the owner thereof alleges to be a building of architectural or historic interest; or

(*c*) any building or bridge owned by any railway company;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal to the Minister of Transport and the Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments:

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

PART IV. —*cont.*

(6) In this section—

The expression "owner"—

(*a*) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired includes the occupier of the building;

(*b*) in relation to a building forming part of an aerodrome means (notwithstanding anything in this Order) the person having control of the aerodrome;

and the expression "own" shall be construed accordingly;

The expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same. 10 & 11 Geo. 5. c. 80.

Power to fix mains &c. in tenements.

86.—(1) The Corporation may for the purpose of supplying electricity to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to two or more owners fit up lay and maintain mains wires and apparatus in or under such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any owner or occupier other than the owner or occupier of the flat dwelling or premises to which the branch pipe is to be connected doing as little damage as may be and making good any damage done Provided that any difference between any owner or occupier on the one hand and the Corporation on the other hand with regard to such damage shall failing agreement be determined by arbitration in manner hereinafter provided.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

As to maximum power which may be demanded.

87. Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions

PART IV. —*cont.*

unless such person shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for his premises and any question as to whether the provisions of this section apply and if so the sum so to be paid shall (failing agreement) be determined by arbitration in manner hereinafter provided.

Provisions as to supply of electricity by agreement.

88. A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule of 1899 and—

(*a*) the provisions of that section shall apply to the supply afforded by the Corporation under such agreement;

(*b*) any failure on the part of the Corporation to supply energy to such consumer under the agreement shall not render them liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that—

(i) nothing in this section shall apply in relation to any agreement which expressly excludes the application of this section; and

(ii) the provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Order of any right to which he would be entitled but for the said provisions.

Protection of seals &c. belonging to Corporation. 34 & 35 Vict. c. 41.

89.—(1) The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached

PART IV. —*cont.*

to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

(2) Any person who accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

Electricity supplied for power not to be used for lighting.

90.—(1) A consumer to whom electricity is supplied by the Corporation shall not without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

(2) Any consumer who without such consent shall use or allow to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be guilty of an offence and for every such offence shall be liable on conviction before the sheriff to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used or allowed to be used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when any penalty as aforesaid is sued for.

(3) The sheriff may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

PART IV. —*cont.*

9 Edw. 7. c. 34.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

(5) Nothing in this section contained shall prevent a railway company using for railway signalling apparatus including colour light signalling electricity supplied to them by the Corporation for any purpose.

Further powers as to entry upon premises.

91.—(1) The powers conferred on the Corporation by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows :—

(*a*) The premises which may be entered shall include all premises in the area of supply in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

(*b*) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or of any regulation or byelaw made thereunder and (where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Corporation shall not have any power of entry into any such premises except through an officer duly authorised by the Corporation who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer of the Corporation to any premises which they are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART IV. —*cont.*

(3) For the purposes of this section "electric fittings" include electric lines meters accumulators fittings works and apparatus for the supply and use of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by a railway company for the purposes of their railway.

Notices to Corporation by electricity consumers.

92. A notice to the Corporation from a consumer (*a*) for the discontinuance of a supply of electricity or (*b*) in accordance with the provisions of this Part of this Order shall not be of any effect unless it be given in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the engineer and manager of the electricity department of the Corporation or be given by the consumer personally at the said office and shall not take effect until the expiry of twenty-four hours after the receipt thereof by the Corporation.

Byelaws as to wires apparatus and fittings.

93.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity to any building or premises in which such byelaws are not complied with.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply with respect to the confirmation of byelaws made under this section and to breaches thereof and to the recovery of penalties thereunder.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to a railway company and forming part of its undertaking or to or in respect of any building or premises to which the Factories Act 1937 applies.

1 Edw. 8. & 1 Geo. 6. c. 67.

For determining stand-by supplies. 12 & 13 Geo. 5. c. 46.

94. If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply

Part IV. —*cont.*

of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882 and the arbiter shall decide as from what date the supply began for stand-by purposes and the sum to be paid as from such date.

Part V.

Harbour.

Definitions for Part of Order relating to harbour.

95. In this Part of this Order unless the subject or context otherwise requires—

"authorised rates" and "authorised rate" mean respectively the rates or rate which the Corporation are for the time being authorised to levy demand and recover under the section of this Order the marginal note of which is "Power to levy harbour rates";

"harbour" means the harbour of Kirkcaldy and the works connected therewith and all improvements and enlargements thereof;

"harbour undertaking" means the harbour and all and every right of ferry (if any) at present vested in the Corporation including the exclusive right of ferry (if any) betwixt the harbour and Leith or Newhaven on the opposite side of the Firth of Forth and all lands minerals properties works buildings vessels machinery plant apparatus appliances conveniences servitudes rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the harbour;

10 & 11 Vict. c. 27.

"Harbours Clauses Act" means the Harbours Docks and Piers Clauses Act 1847;

"seaplane" includes a flying boat and any other aircraft designed to manœuvre on the water;

"vessel" includes a seaplane on the surface of the water.

Incorporation of Harbours Clauses Act.

96.—(1) The Harbours Clauses Act except—

Sections 6 to 13 (with respect to the construction of the harbour dock or pier);

PART V. —*cont.*

Sections 16 and 17 (with respect to lifeboats) unless the Board of Trade require the Corporation to keep a lifeboat;

Sections 18 and 19 (with respect to keeping a tide and weather gauge) unless the Board of Trade require the Corporation to keep a tide and weather gauge;

Section 23 (Power to lease wharves warehouses &c.);

Section 25 (Rates not to be taken until the works shall be completed);

Section 26 (Certificate of magistrate to be evidence that the harbour &c. is completed);

Sections 79 and 80 (with respect to the police of the harbour dock or pier);

Section 95 (Penalties &c. imposed in respect of any offence committed within the Metropolitan Police District to be paid to the receiver and applied under 2 & 3 Vict. c. 71);

Section 101 (Nothing in the Special Act to affect the rights of the City of London);

so far as applicable for the purposes and not inconsistent with the provisions of this Order is incorporated with and forms part of this Order.

(2) For the purposes of the incorporation of the Harbours Clauses Act this Order shall be deemed to be " the special Act " and the Corporation shall be deemed to be " the undertakers " within the meaning of the said Act.

(3) Any reference to a vessel in the provisions of the Harbours Clauses Act as applied by this section shall be deemed to include a reference to a seaplane on the surface of the water and in section 28 of the said Act any reference to a vessel shall also include a floating dock and a vessel of exceptional construction or method of propulsion belonging to or employed in the service of His Majesty:

Provided that—

(i) nothing in any of the aforesaid provisions shall except in the case of a seaplane disabled by an accident authorise the harbour master to require the dismantling of a seaplane or

PART V. —*cont.*

any part thereof or the making of any alterations whatever of the structure or equipment of a seaplane; and

(ii) nothing in any of the aforesaid provisions or in any byelaw made in pursuance thereof shall prejudice any regulations for the investigation of accidents made under section 12 of the Air Navigation Act 1920 as amended by any subsequent enactment.

Vesting of harbour undertaking.

97. The harbour undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held used and enjoyed by them.

Harbour and rating limits.

98.—(1) The limits within which the Corporation shall have authority and within which the powers of the harbour master may be exercised (in this Order referred to as " the harbour limits ") shall be the harbour and the following area below high-water mark of ordinary spring tides (namely) the area included within an imaginary straight line commencing at high-water mark of ordinary spring tides at the southern end of the lane called Castle Brae Lane or Wynd running thence in a south by east (true) direction across the foreshore to low-water mark thence in a south 18 degrees west (true) direction for a distance of 1170 yards or thereabouts and thence in a west (true) direction for a distance of 600 yards or thereabouts to a point at high-water mark of ordinary spring tides opposite the end of Rose Street Kirkcaldy.

(2) A map showing the harbour limits of which five copies have been signed by Matthew George Fisher K.C. Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936 shall within one month after the date of the passing of the Act confirming this Order be deposited as follows (that is to say) one copy with the town clerk at his office one copy with the sheriff-clerk of the county of Fife at his office in Cupar one copy with the Scottish Office Whitehall one copy with the Mercantile Marine Department of the Board of Trade and one copy with the Ministry of Transport.

(3) In case of any discrepancy between the harbour limits delineated on the said map and the harbour limits

PART V. —*cont.*

described in subsection (1) of this section the said map shall be deemed to be correct and shall prevail.

(4) The limits within which the power to levy rates may be exercised in this Order referred to as "the rating limits" shall be the harbour and the area below high-water mark of ordinary spring tides lying within 100 yards of any part thereof.

Additional lands for harbour undertaking.

99. The Corporation may retain and hold all lands vested in them for the purposes of the harbour undertaking at the commencement of this Order and they may also purchase lease or acquire by agreement and hold any other lands not exceeding in the whole ten acres for the purposes of or in connection with the harbour undertaking Provided that nothing in this Order shall exempt the Corporation from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such lands.

Power to maintain and improve works.

100. Subject to the provisions of this Order the Corporation may maintain restore reconstruct and repair the harbour and may in connection with the harbour undertaking construct provide maintain alter improve and enlarge such machinery plant apparatus appliances and conveniences as the Corporation may from time to time deem requisite or expedient and may carry on perform and do all such acts and things as may be necessary for all or any of those purposes :

Provided that—

(*a*) No line of rails or tramways constructed under this Part of this Order shall be used for the public conveyance of passengers unless and until it has been certified by the Minister of Transport to be fit for that use;

(*b*) Any electric light and power or other apparatus constructed and maintained under this Part of this Order shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. 41 & 42 Vict. c. 76.

Power to retain sell &c. parts of

101. Notwithstanding anything in the Lands Clauses Act or any other Act to the contrary but subject always to the provisions of this Order the Corporation may

PART V.—*cont.* harbour undertaking.

retain hold and use for such time as they may think fit or may sell feu (if appropriate) let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale in consideration either of the execution of works or of the payment of a gross sum or (if appropriate) of an annual feu-duty or rent or of any payment in any other form any lands properties works buildings vessels machinery plant apparatus or appliances or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any feu-duties created or rents reserved on the sale exchange lease or other disposition of such parts of the harbour undertaking and may make do and execute any deed act or thing proper for effectuating any such sale feu lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Excavating rock and dredging harbour.

102.—(1) Within the harbour limits and for the purpose only of the improvement and maintenance of the harbour the Corporation may excavate and remove any rock stone shingle sand or mud and dredge scour deepen and improve the entrance channels approaches and site of the harbour.

(2) All rock stone shingle sand mud and other materials excavated dredged up or removed within the harbour limits shall be the property of the Corporation and they may sell or otherwise dispose of the same or lay down and use the same in another place within those limits as they think fit Provided that no excavated materials of any kind shall be deposited below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other application of rock stone shingle sand mud and other materials under this section after payment of any expenses connected therewith shall be applied as part of the revenue of the harbour.

Power to purchase dredgers &c.

103.—(1) The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Order and may let the same on hire for such sums

and upon and subject to such terms and conditions as they think fit or may sell and dispose of the same. PART V. —*cont.*

(2) All sums received in respect of any such letting on hire shall be deemed to form part of the revenue of the undertaking and all moneys realised by any such sale shall be applied towards carrying into effect any of the purposes of this Part of this Order to which capital is properly applicable.

Meters and weighers.

104.—(1) It shall be lawful for the Corporation to appoint and license a sufficient number of persons to be meters and weighers within the harbour.

(2) All meters or weighers who shall measure or weigh any goods delivered out of or put on board any vessel shall within six hours after such vessel has been discharged or loaded attend at the harbour office and give an account of such goods.

(3) Any meter or weigher who shall fail so to give such account or shall give a false account shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding forty shillings.

(4) Nothing contained in this section shall extend to compel any officer of Customs to attend and give an account of any goods measured or weighed by him as such officer.

Removal of stranded or sunk vessels.

105.—(1) Whenever any vessel is stranded or sunk in the harbour or is laid by in the harbour or neglected as unfit for sea service the Corporation may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour therefrom.

(2) The Corporation may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or salved and also all or any part of the cargo goods or effects which may be raised or salved from any such vessel to be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled

57 & 58 Vict. c. 60.

PART V. —*cont.*

thereto Provided that the Corporation shall before selling any such cargo goods or effects as aforesaid pay all duties charges or payments which may be payable to His Majesty in respect of the cargo goods or effects to be sold and they may retain the amount of the duties charges or payments so paid out of the proceeds arising from the sale of such cargo goods or effects.

(3) If the proceeds of sale are insufficient to reimburse the Corporation for the aforesaid expenses duties charges and payments the Corporation may recover as a civil debt the deficiency or in the case of an appeal under subsection (4) of this section such sum as is awarded by the arbiter to be payable in respect of the deficiency from the person who at the time of the sinking or stranding of the vessel was the registered owner thereof (or in the case of any aircraft the owner thereof) or from the executors or administrators of such owner.

(4) If on demand being made under this provision for the payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbiter to determine and award whether any and (if so) what sum is payable in respect of the deficiency and the award of the arbiter appointed by the Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties The expenses of the appeal and the award may be recovered in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The powers given to the Corporation under subsection (1) of this section shall not be exercised if the registered owner of the vessel (or in the case of any aircraft the owner thereof) stranded or sunk within twenty-four hours after the vessel has been stranded or sunk takes such steps as may in the opinion of the harbour master be necessary for the raising or removal thereof and thenceforth continuously and diligently and to the satisfaction of the harbour master prosecutes and does all such works and things as may in the opinion of the harbour master be necessary and proper for the raising and removal of the vessel as speedily as possible.

(6) The powers conferred by this section on the Corporation shall be in addition to and not in derogation

of any other powers exerciseable by them for or with respect to the removal of wrecks. PART V. —*cont.*

(7) Except for the purpose of removing any obstruction in the harbour nothing in this section shall entitle the Corporation to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Corporation for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of such wreck or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

Corporation may regulate ferries and license vessels to ply thereat.

106. It shall be lawful for the Corporation from time to time to make such rules and regulations for the proper conducting of any ferry the right to which is vested in them under this Order or otherwise as to them seem fit and to grant licence to such vessels as are approved by them to ply at the said ferry under such conditions and restrictions as to the number of passages to be made and the number of the crew to be carried by the vessels so licensed and the hours and times of sailing as they consider proper and if any owner or master of any vessel plying at the said ferry commits a breach of any of the conditions or restrictions of such licence or neglects or refuses to conform to such rules and regulations as are made by the Corporation from time to time for the regulation of the said ferry or if it appears to the Corporation that any vessel licensed by them as aforesaid has become unfit or inefficient for the purpose of the said ferry it shall be lawful for the Corporation to suspend withdraw or revoke such licence and to prevent such vessel and the owner and master thereof from continuing to ply at the said ferry Provided that all the rules and regulations so to be made as last aforesaid shall be submitted to and approved by the respective sheriffs of the counties of Midlothian and Peebles and Fife and Kinross before the same shall become valid and effectual under this Order.

PART V. —*cont.*

Rates payable at ferries may be leased by Corporation.

107.—(1) Subject to the provisions herein contained as to the said right of ferry it shall be lawful for the Corporation to let on lease the exclusive right and licence to ply at any ferry which is vested in them under this Order or otherwise by public roup or sale for any period not exceeding five years upon giving notice of such roup at least fourteen days previous thereto by advertisement inserted in any one or more of the newspapers published in the county of Fife or in the burgh of Kirkcaldy and to agree with the person or company to whom such exclusive right and licence is let for the payment of a fixed sum by the year or other shorter period as a composition for the rates payable by or in respect of the vessels used for the purposes of the said ferry and goods and passengers carried thereby.

(2) If no bidder offers or if such exclusive right and licence is not let it shall be lawful for the Corporation by private contract to let such exclusive right and licence to ply at the said ferry to any person willing to undertake the same for any period not exceeding five years and to agree with such person for the payment of a fixed sum by the year or other shorter period as a composition for the rates payable by or in respect of the vessels used for the purposes of the said ferry and passengers and goods carried thereby and that upon such conditions and under such regulations and restrictions as the Corporation judge expedient.

Byelaws.

108. In addition to the powers of making byelaws contained in the Harbours Clauses Act the Corporation may subject to the provisions of this Order make such byelaws as they may think fit for all or any of the following purposes (that is to say) :—

(*a*) For the protection of the harbour works and of the buildings accommodations machinery and appliances connected therewith and for regulating the use thereof and the conduct of persons frequenting or using the same;

(*b*) For the regulation and control of vessels and boats within the harbour limits and the fishermen and others frequenting resorting to or employed at the harbour or within the harbour limits;

(*c*) For the regulation of the embarking disembarking loading and unloading of any goods or traffic at the harbour works or within the harbour limits. PART V. —*cont.*

Confirmation of byelaws.

109.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Clauses Act or by this Part of this Order may provide for the imposing of a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has been confirmed by the confirming authority.

(3) The confirming authority shall be the Minister of Transport Provided that in the case of any byelaws which in the opinion of the Minister of Transport and the Board of Trade primarily concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the Minister of Transport.

Recovery of penalties.

110. All penalties under this Part of this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act.

Power to levy harbour rates.

111.—(1) After the commencement of this Order the Corporation may subject and according to the provisions of this Order levy demand receive and take in respect of vessels persons animals goods matters and things any sums not exceeding the rates or charges specified in the Sixth Schedule to this Order or otherwise authorised by this Order.

(2) If and so long as the Corporation make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the Sixth Schedule to this Order for pure and wholesome water supplied by them.

(3) The Corporation may (so far as the rates specified in the Sixth Schedule to this Order do not extend) levy demand recover and receive such rates or other

PART V. —*cont.*

consideration as they may think reasonable for the use of any part of the harbour undertaking or in respect of any services rendered by them in connection therewith.

Dues on seaplanes. 26 Geo. 5. & 1 Edw. 8. c. 44.

112. Subject to the provisions of the Air Navigation Acts 1920 and 1936 or of any order made in pursuance thereof the Corporation may demand levy collect and receive on and in respect of seaplanes entering or using the harbour such reasonable rates as may from time to time be approved by the Minister of Transport which rates shall be in lieu of the rates leviable by the Corporation under this Part of this Order on and in respect of vessels.

Power to compound for rates.

113. The Corporation may agree with the master or owner of any vessel using the harbour or conveniences of the Corporation for the purposes of business or pleasure for a payment of a fixed sum payable in advance as a composition by the year or other shorter or longer period for all or any of the rates payable by or in respect of such vessel Provided always that if the Corporation at any time make any such agreement by way of composition as aforesaid the masters or owners of all other vessels of the same description using the harbour or conveniences of the Corporation in like manner and in similar circumstances may compound for the rates payable by them respectively upon like terms with those contained in such agreement and the Corporation shall accept such composition accordingly to the intent that such composition may not be made with partiality or in favour of any particular person.

Revision of rates by Corporation.

114. The rates to be levied by the Corporation under this Order with reference to the harbour shall from time to time be adjusted by the Corporation within the maximum rates authorised to be taken by this Order or an order made by the Minister of Transport by virtue of the powers conferred upon him by the section of this Order of which the marginal note is "Revision of rates by Minister of Transport" in such a manner that so far as possible the income of the harbour shall one year with another produce the amount of money required for carrying on the harbour undertaking including the payment of interest on any moneys advanced from the loans fund and sums applied in repayment of such advances and including also in the Corporation's

discretion the repayment of sums advanced from the burgh rates in respect of expenditure for and in connection with the harbour undertaking.

PART V. —*cont.*

Revision of rates by Minister of Transport.

115.—(1) If it is represented by application in writing to the Minister of Transport—

(*a*) by any chamber of commerce of shipping or any representative body of traders or any person who in the opinion of the Minister of Transport is a proper person for the purpose; or

(*b*) by the Corporation;

that in the circumstances then existing the authorised rates or any of them should be revised the Minister of Transport if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister of Transport made in pursuance of this section.

(2) An application made to the Minister of Transport under this section shall be accompanied by such information and particulars as the Minister of Transport may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister of Transport has decided not to make an order no further application for a revision of the rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister of Transport shall cause an inquiry to be held in reference thereto.

Rates to be paid upon arrival of vessels.

116. All rates or dues shall be paid upon the arrival of the vessel to the collector of rates at the harbour office of the Corporation or at such other place or places as the Corporation may fix by byelaw in that behalf.

PART V. —*cont.*

Authorising deposit on account of rates.

117. The collector of rates may receive by way of deposit and on account of the rates or dues to which any vessel or cargo may be liable such a sum of money as shall in his opinion be sufficient to cover the amount thereof.

Securing rates on ships before departing.

118.—(1) A vessel shall not leave the harbour until a certificate from the collector of rates of the payment of all rates or dues payable to the Corporation in respect of such vessel has been given.

(2) If any vessel liable to such rates or dues departs from the harbour without having obtained such certificate as aforesaid the owner of such vessel shall be liable to pay by way of damage to the Corporation a sum not more than double the amount of the rates or dues which should have been paid and in addition thereto the master of such vessel shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding twenty pounds.

Collectors to refuse entry when previous rates on vessels are unpaid and vessels may be detained.

119. While any rates or dues remain unpaid in respect of any vessel or any goods therein liable thereto the collector of rates shall not receive any further or other entry in respect of such vessel and the Corporation may cause such vessel to be detained until all such rates or dues have been paid.

Penalty for not making a true report of ship's destination &c.

120.—(1) Any person applying to make payment of rates or dues may be questioned by the collector of rates as to the most distant port from which such vessel has arrived or to which such vessel is bound.

(2) If such person refuses to answer any reasonable question or wilfully gives a false or untrue answer he shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding fifty pounds.

Certain fishing vessels under stress of weather exempt from rates.

121. British fishing vessels and fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from charges leviable under this Part of this Order.

Certain officers to have free access to harbour without payment.

122. Officers of the Board of Trade and the Ministry of Transport British sea fishery officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

Life-buoys.

123. The Corporation shall at all times keep on the harbour works a sufficient number of life-buoys and life-lines in good order and fit and ready for use.

Permanent lights on works.

124.—(1) The Corporation shall exhibit at the outer extremity of the harbour works for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those commissioners for such directions.

(2) The Corporation shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to buoys and lights in case of decay of works.

125.—(1) In case of injury to or destruction or decay of the harbour works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those commissioners for such directions.

(2) The Corporation shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

Nothing to exempt harbour or Corporation from provisions of Merchant Shipping Acts.

126. Nothing contained in this Part of this Order shall be deemed to exempt the harbour or the Corporation from the provisions of the Merchant Shipping Acts 1894 to 1932 or from any general Act relating to merchant shipping harbours or docks or to dues on shipping or on goods carried in vessels now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by this Order.

PART V. —*cont.*

Life-saving apparatus may be attached to harbour works.

127. The officers of the coastguard and all other persons for the time being actually employed in connection with a lifeboat or apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour works.

Extension of sections 28 and 99 of Harbours Clauses Act.

128. Sections 28 and 99 of the Harbours Clauses Act as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

For protection of Crown salmon fishings.

129. 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 the powers of this Part of this Order and in case the amount of such compensation shall not be 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 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.

Local lighthouse authority.

130. The Corporation shall within the limits of the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

PART VI.

WATER.

Definitions for Part of Order relating to water.

131. In this Part of this Order unless the subject or context otherwise requires—

"drainage area" means lands off and from which water drains or may drain into the reservoirs and works of the Corporation;

"water engineer" means the person or persons for the time being appointed by the Corporation to act as engineer for the purposes of the water undertaking;

PART VI. —*cont.*

"water undertaking" means the waterworks of the Corporation and the works connected therewith and all improvements and extensions or enlargements thereof which the Corporation may construct under any statutory powers for the time being possessed by them and all lands minerals railways properties buildings streams springs wells reservoirs filters cisterns machinery plant tanks aqueducts sluices mains pipes culverts servitudes wayleaves rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with waterworks and the diversion collection storage protection and distribution of water or otherwise for or in connection with the supply of water by them.

Incorporation of Waterworks Clauses Acts.

132.—(1) The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes of and are not inconsistent with the provisions of this Part of this Order) are hereby incorporated with and form part of this Order:—

(*a*) The Waterworks Clauses Act 1847 except— 10 & 11 Vict. c. 17.

Sections 44 to 47 (with respect to the communication pipes to be laid by the undertakers);

Section 68 (Rates to be recoverable from person supplied with water);

Section 70 (Rates to be paid quarterly in advance);

Section 71 (Parties giving notice to discontinue use of water or removing to pay to the next quarter day);

Section 72 (Owners of houses not exceeding £10 rent to be liable to water rates);

Section 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

Section 83 (Annual account to be made up by undertakers);

(*b*) The Waterworks Clauses Act 1863. 26 & 27 Vict. c. 93.

PART VI. —*cont.*

(2) For the purposes of the Acts wholly or partly incorporated with this Part of this Order this Order shall be deemed to be "the special Act" and the Corporation shall be deemed to be "the undertakers" within the meaning of both of such Acts.

Vesting of water undertaking.

133. The water undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held used and enjoyed by them.

Power to maintain extend or renew undertaking &c.

134. Subject to the provisions of this Order the Corporation may maintain and use the water undertaking and they may lay down extend alter renew relay replace enlarge and duplicate or increase or discontinue or remove the number and size of the works (other than reservoirs) mains pipes aqueducts filters filter beds tanks and other works and conveniences from time to time in use or required for storing filtering conveying measuring or distributing water for the purposes of the water undertaking Provided always that such extension enlargement duplication or increase shall be executed only on lands or property belonging to the Corporation or which may be acquired by them by agreement or over which they have acquired or may acquire a servitude or in any roads or streets which they are by the Waterworks Clauses Acts 1847 and 1863 or this Order entitled to open and break up for such purposes Provided further that the Corporation shall not in so far as the railway and property of the London and North Eastern Railway Company are affected exercise the powers conferred on them by this section so as to enlarge or increase the number and size of the works mains pipes aqueducts filters filter beds tanks and other works and conveniences except with the consent of that railway company which consent shall not be withheld unreasonably.

Power to continue to take or impound water.

135. Subject to the provisions of this Order the Corporation may by means of the works vested in them by the section of this Order the marginal note of which is "Vesting of water undertaking" continue to take intercept collect impound use divert or appropriate for the purposes of the water undertaking—

(*a*) The waters of the stream called the Arnot Burn and the tributaries and affluents thereof at any point above the existing embankment of Arnot Reservoir; and

PART VI. —*cont.*

(*b*) the waters of the stream called the Lothrie Burn and the tributaries and affluents thereof at any point above the existing embankment of Holl Reservoir.

Power to agree as to drainage of lands.

136. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any reservoirs and works belonging to the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Limiting power of Corporation to abstract water.

137. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Order or in some Order confirmed by or having the effect of an Act of Parliament or in some Act of Parliament.

For protection of reservoirs &c. from pollution.

138. The Corporation may on any lands vested in them or which they may acquire for the purposes of the water undertaking construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits or watercourses of the Corporation or any waters flowing into the same.

As to compensation water.

139.—(1) The Corporation shall every day of twenty-four hours deliver in a continuous flow not less than—

(*a*) Three hundred and sixty-nine thousand three hundred and twenty gallons of water into the river Leven at the point above Walkerton Mills where the existing gauge is situated;

(*b*) One million four hundred and fifty-four thousand gallons of water into the stream known as Lothrie Burn at the existing gauge below the foot of the embankment of Holl Reservoir and

PART VI. —*cont.*

(*c*) Six thousand gallons of water to the proprietor of Arnot Estate as provided for in the agreement set forth in the Seventh Schedule to this Order.

(2) For the purpose of measuring the respective quantities of water to be delivered into the river Leven and the Lothrie Burn as aforesaid the Corporation shall for ever maintain on the sites of the existing gauges before referred to proper and suitable measuring gauges over or through which the said compensation water shall flow and such gauges shall be under the sole management and control of the Corporation and shall be open to the inspection and examination at all times by day or night of all persons interested therein or of persons duly authorised by them in that behalf.

(3) The said gauges shall be fitted with suitable recording instruments and the charts therefrom shall be kept in the office of the water engineer and shall be open to the inspection and examination at all reasonable times of all persons interested therein or of persons duly authorised by them in that behalf as aforesaid with a right to copy the same.

(4) In case of any neglect on the part of the Corporation to maintain the gauges in a state of efficiency and in case of any other neglect by or in consequence of which the said quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(5) If any difference arises between the Corporation and any person so interested with respect to the construction or use of the gauges or the state of repair or condition thereof or as to the quantity of compensation water such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff.

(6) Except in respect of any lands situated between the foot of Holl Reservoir embankment and the said point of discharge of water into the Lothrie Burn the provisions of this section and of the agreement set forth in the Seventh Schedule to this Order shall be accepted

PART VI. —*cont.*

and taken by all persons interested as full compensation for all waters of the stream called the Arnot Burn and the said stream called the Lothrie Burn and the tributaries and affluents of each of these streams respectively which the Corporation can divert collect impound or appropriate by means of the water undertaking vested in them by this Order and in substitution for all obligations in the repealed Acts as to compensation water to be delivered from any of the reservoirs belonging to the Corporation into any stream or to any person whatsoever.

Water in Ballo Reservoir not to be reduced below a certain level.

140.—(1) The Corporation in the administration of the works shall not without the consent (which shall not be unreasonably withheld) of the respective owners of the lands abutting on Ballo Reservoir and of the River Leven Trustees discharge the compensation water to the Lothrie Burn in such a manner as to allow the water level in Ballo Reservoir to fall lower than twelve feet six inches below the overflow sill.

(2) Any dispute as to whether a consent under the provisions of this section has or has not been unreasonably withheld shall be referred to the sheriff whose decision shall be final and binding upon the parties.

Temporary discharge of water into streams &c.

141.—(1) Subject to the provisions of this Order the Corporation may at any time for the purpose of repairing examining emptying or cleansing any reservoir filter tank aqueduct conduit or pipe of the Corporation cause the water in any such reservoir filter tank aqueduct conduit or pipe to be temporarily discharged into any available drain stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power and such compensation shall be settled in default of agreement by arbitration in manner hereinafter provided.

(3) The powers of this section shall not be exercised so as to damage or injuriously to affect the railways or works of the London and North Eastern Railway Company.

PART VI. —*cont.*

Power to purchase water mains and pipes.

142. The Corporation may acquire or purchase by agreement any mains and pipes which may have been laid down by any other authority body or person and the same when acquired or purchased may be held maintained and used by the Corporation for the purposes of and as part of the water undertaking.

Laying mains in public roads.

143. The Corporation may at any time for the purposes of conveying water from any of the sources of their water supply or for distributing and supplying water under the provisions of this Part of this Order lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway whether within or beyond the limits of supply and repair renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section :

Provided that the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply for the purposes of this section.

Power to hold and acquire lands &c. by agreement.

144.—(1) The Corporation may retain and hold all lands vested in or acquired by them for the purposes of the water undertaking or which may be acquired under the provisions of this Part of this Order and no part of such lands shall be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

(2) The Corporation may in addition to the lands vested in or acquired by them for the purposes of the water undertaking at the commencement of this Order from time to time purchase by agreement and hold any other lands not exceeding twenty acres for the purposes of or in connection with the water undertaking.

(3) The Corporation may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in their opinion

PART VI. —*cont.*

be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the Corporation and of protecting their water supply against pollution nuisance encroachment or injury.

(4) The Corporation may also take by agreement any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) in over affecting or belonging to lands at a price or yearly rent feu-duty or otherwise.

Acquisition of minerals by agreement.

145. The Corporation may for the protection of the water undertaking from injury by subsidence or otherwise by agreement purchase acquire and hold any mines or minerals under any lands for the time being vested in the Corporation for the purposes of the water undertaking or under any lands in or through which they possess servitudes or wayleaves or under any lands in on or through which any works aqueducts or lines of pipes of the Corporation are for the time being situated or pass or under any land adjoining any such lands respectively.

Power to afforest lands.

146. The Corporation may plant with trees any land vested in them or which may be acquired for the purposes of or in connection with the water undertaking under the provisions of this Part of this Order 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.

Buildings in connection with water undertaking.

147. The Corporation may erect purchase or take on lease such buildings as they deem requisite for the purposes of the water undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of the water undertaking.

Power to dispose of lands &c. forming part of water undertaking.

148.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses (Consolidation) (Scotland) Act 1845 or any other Act or Order the Corporation may from time to time sell feu lease excamb or otherwise dispose of any land or any servitudes rights or privileges in over affecting or belonging to lands vested in or belonging to them for the purposes of the water undertaking or that may be acquired under the

PART VI. —*cont.*

provisions of this Part of this Order and that on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Corporation and their successors in title) as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation under this section shall only be applied to the purposes of the water undertaking to which capital is properly applicable including the redemption of debt.

(2) The Corporation shall not (unless the Secretary of State otherwise directs) sell feu lease excamb 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.

Waterworks not required may be disposed of.

149. Without prejudice to the provisions of the section of this Order the marginal note of which is "Power to dispose of lands &c. forming part of water undertaking" or to any other powers of the Corporation in that behalf it shall be lawful for the Corporation and they are hereby authorised publicly or privately to sell and dispose of the works acquired by the Corporation's predecessors the Waterworks Commissioners of Kirkcaldy and Dysart from James Townsend Oswald of Dunnikier being the subjects in the county of Fife described in and disponed by a disposition by the said James Townsend Oswald in favour of the said Waterworks Commissioners of Kirkcaldy and Dysart dated sixth and twelfth November one thousand eight hundred and sixty-eight and recorded in the particular register of sasines kept for the county of Fife the sixth day of January one thousand eight hundred and sixty-nine or any part or parts thereof and all rights and privileges in connection therewith or otherwise to take up and remove from time to time such of the reservoirs conduits pipes and other parts of the said works as may not be required and publicly or privately to sell and dispose thereof and of such lands and property and such materials and other things as shall be found unnecessary for the purposes of this Order or the water undertaking and the Corporation may apply the price thereof in payment or in extinction of any of the debts or obligations of the Corporation under this Part of this Order.

PART VI. —*cont.*

Maintenance of Cow Brig.

150. The Corporation shall be bound to maintain in good condition and repair in all time coming the bridge over the river Leven known as the Cow Brig situated on the estate of Sir Robert Spencer Nairn Baronet of Leslie House.

Nuisance.

151. Nothing in this Part of this Order shall exonerate the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Application of Public Health (Scotland) Act (1897) Amendment Act 1911.

152. The provisions of the Public Health (Scotland) Act (1897) Amendment Act 1911 shall extend and apply to the Corporation and the Corporation shall be deemed to be included within the expression " body of trustees " or Commissioners authorised to supply water by any " local Act " contained in the said Act.

Limits of supply.

153. The limits of this Order for the supply of water by the Corporation (in this Order referred to as " the limits of supply ") shall be the burgh.

For protection of county council and Wemyss and District Water Trustees.

154.—(1) The powers rights duties and obligations conferred on or exerciseable by or incumbent on the county council or the trustees with regard to the supply of water within the added areas or any part or parts thereof by or under the Kirkcaldy District Water Order 1913 or the Wemyss and District Water Order 1910 respectively or any subsequent Act or Order shall cease and determine.

(2) The county council and the trustees respectively shall sell to the Corporation and the Corporation shall purchase so much of the water undertakings of the county council and the trustees respectively as are situated within the added areas (except the aqueducts mains and pipes and other apparatus which shall be necessary for supplying with water any other part of the limits of the county council or the trustees respectively for the supply of water) at such prices and upon such terms and conditions as may be agreed between the Corporation on the one hand and the county council and the trustees respectively on the other.

(3) The county council and the trustees respectively shall have and may exercise all and the like powers privileges and authorities with respect to the repair maintenance and renewal of any aqueducts mains pipes

PART VI. —*cont.*

and other apparatus excluded from the sale and purchase under subsection (2) of this section as they had with respect thereto immediately before the said sale and purchase.

(4) Notwithstanding anything in this Order contained the Corporation may apply to the county council the trustees or any other authority supplying water under statutory authority in the added areas or any part thereof at the commencement of this Order for a supply of water and such authority shall if such water is in their opinion available be bound to furnish to the Corporation a supply of water to enable the Corporation to supply water therein for such period and on such terms and conditions as may be agreed Provided that in the case of the county council and the trustees such supply shall only be given if they are satisfied that it can be supplied without prejudice to the compulsory area of the county council and the trustees respectively Provided also that the obligation on the county council to give such a supply shall cease on the expiry of three years from the commencement of this Order or the date of confirmation thereof whichever is later.

(5) Subject to the provisions of the section of this Order the marginal note of which is "Domestic supply not to be prejudiced" the Corporation shall be bound to supply water to the county council as may be required and in the opinion of the Corporation is available to enable the county council to give supplies to Muttonhall Farm Frances Pit and Blair Farm and the areas adjoining these properties provided that the charges to be made to the county council shall not exceed the lowest annual rate per one thousand gallons at which the Corporation by virtue of any agreement in force for the time being between the Corporation and the county council may obtain water from the county council.

(6) The portions of the undertakings of the county council and the trustees respectively purchased under the powers of this section shall for all purposes form part of the water undertaking of the Corporation.

(7) The Corporation and the county council or the trustees may enter into and carry into effect agreements with reference to any of the matters referred to in this section and the supply of water in the added areas.

PART VI. —*cont.*

(8) Nothing in this section contained shall prejudice or affect the powers rights duties and privileges of the Corporation as standing in place of the waterworks commissioners conferred by or contained in section 22 (Power to supply water by agreement) of the Kirkcaldy District Water Order 1913.

(9) Any question or difference between the Corporation and the county council or the trustees arising under this section shall be referred to and determined by arbitration in manner hereinafter provided.

Supply of water for domestic purposes.

155. The Corporation shall at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the limits of supply furnish to such person within such dwelling-house by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained at the cost of such person a sufficient supply of water for domestic purposes including a supply of water for any private water closet or closets and fixed bath or baths in such dwelling-house Provided that no person shall be entitled to demand nor shall the Corporation be bound to furnish such supply of water unless there is a water pipe of the Corporation (other than a main aqueduct or a feeder main) within one hundred feet of the outer wall fence or boundary of such dwelling-house or in the case of tenements situated in a private close or place unless there is a water pipe of the Corporation (other than a main aqueduct or a feeder main) within one hundred feet of the entrance to such close or place or unless the Corporation shall have become bound to lay such pipe under a requisition and agreement made and executed in the manner and to the extent required by section 35 of the Waterworks Clauses Act 1847 Provided also that lands and heritages within the added areas which the Corporation do not supply with water shall not be assessed for the burgh rates in so far as they relate to that portion of the expenditure for and in connection with the water undertaking which is payable by the occupiers of the dwelling-houses and other premises referred to in subparagraph (ii) of paragraph (*b*) of subsection (2) of the section of this Order the marginal note of which is "Laying on of rates."

PART VI. —*cont.*

Domestic supply not to be prejudiced.

156. The supply of water for domestic purposes by this Part of this Order required shall be sufficiently provided before the Corporation supply water for any purpose other than the said domestic purposes.

Supply of water for other than domestic purposes.

157.—(1) The Corporation may at such rates and upon such terms and conditions as shall be fixed from time to time by them furnish to any person within the limits of supply a supply of water for other than domestic purposes.

(2) A supply of water for domestic purposes shall not include a supply of water for any of the following purposes (all of which supplies are hereinafter in this Part of this Order included in the expression "trade supply" and "trade purposes") (namely) :—

(*a*) for cattle or for horses;

(*b*) for washing carriages motor cars or other vehicles or for any other use in connection with vehicles;

(*c*) for watering gardens;

(*d*) for fountains or ornamental purposes;

(*e*) for steam engines or railway purposes;

(*f*) for shipping;

(*g*) for heating or ventilating any premises (other than dwelling-houses);

(*h*) for any machine or apparatus or for or through a hosepipe or similar apparatus for any purpose;

(*i*) for any trade manufacture business or occupation;

(*j*) for any poor-house hospital nursing home barracks prison asylum sanatorium school or other public building;

(*k*) for any hotel club restaurant tavern public-house or boarding-house capable of accommodating twelve or more persons including the persons resident therein; or

(*l*) for any other purpose not domestic.

(3) (i) In the case of a stable garage or other premises (in which horses carriages motor cars or other vehicles

PART VI. —*cont.*

are kept for private use) occupied along with any private dwelling-house the water supplied for domestic purposes may be used for horses carriages motor cars or other vehicles kept in such stable garage or other premises if the full burgh rates are assessed upon the full rateable value of the private dwelling-house including such stable garage or other premises and no additional charge shall be made for water supplied to such stable garage or other premises unless a hosepipe or similar apparatus is used in which case an additional charge may be made.

(ii) In the case of a garden occupied as a pertinent of a private dwelling-house and assessed therewith for the full burgh rates no additional charge shall be made for water supplied for watering the garden when the water is carried in vessels and by hand only from the interior of the dwelling-house of which the garden is a pertinent.

(4) As far as practicable the rates for supplies of water for trade purposes shall be uniform to all persons supplied in like circumstances and for the same purposes and requiring the same extent of supply.

(5) In the event of any difference arising between the Corporation and any person desiring a trade supply as to the rates or charges or terms or conditions on or in respect of which such supply is to be given the same shall subject to the provisions of this Order be determined by the sheriff in a summary manner upon the application of the Corporation or of any such person and the decision of the sheriff shall be final.

Supply of water by measure.

158.—(1) The Corporation may subject to the provisions of this Order agree with any person for supplying him with water by measure and may require any person supplied with water for trade purposes to take and pay for his supply by measure.

(2) Where water is supplied by measure the Corporation shall provide a meter for ascertaining the quantity of water consumed and that upon such terms and conditions and at such rent as shall be fixed from time to time by the Corporation not exceeding ten per centum of the cost of providing and installing the meter.

(3) Any person supplied with water by measure shall provide at his own cost a suitable meter chamber if required to do so by the Corporation.

PART VI. —*cont.*

Supply to houses partly used for trade &c.

159. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Power to provide water for hydraulic purposes.

160. The Corporation may from time to time provide either from any of their existing or future sources of supply or from any other source water under pressure for the purpose of supplying motive power by hydraulic pressure for any purposes to which such power is or may be applicable they may use any of their existing buildings works machinery mains pipes and other apparatus for that purpose or erect lay down and maintain any other buildings works machinery mains pipes and apparatus which may be necessary on their own lands or on lands to be acquired by them by agreement with any person they may make agreements with any person or company for obtaining supplies of water for such purpose from any sources of water supply belonging to such person or company they may acquire and work any patents relating to the supply of water under pressure for the purpose of supplying motive power by hydraulic pressure but not so as to acquire any exclusive rights in such patents and they may supply any person or company with water under pressure for the purposes aforesaid at such rates and charges and upon such terms and conditions as may be agreed on between them and the person or company obtaining such supply.

Power to supply water beyond limits of supply.

161. The Corporation may enter into and carry into effect agreements with any local authority water trustees water board company or person for the supply of water beyond the limits of supply to any such authority trustees board company or persons respectively in bulk or otherwise for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that—

(1) Such supply shall not prejudicially affect or restrict the supply of water for any purpose within the limits of supply :

(2) Such supply shall not be given except with the consent of any local authority water trustees water board company or person supplying water

under parliamentary authority within the district to be supplied: PART VI. —*cont.*

(3) Nothing in this section shall prevent the Corporation giving a supply under any existing agreement.

Supply of water for sanitary purposes.

162. The Corporation shall supply and maintain such a constant flow of water along any natural stream or watercourse within the limits of supply and such a constant or occasional flow in or on the public sewers or streets as shall be requisite for the health of the inhabitants within the said limits and for carrying away the sewage and drainage into the sea and keeping such streams or watercourses sewers and streets clean.

Public wells &c.

163.—(1) The Corporation may supply in such places within the limits of supply as they may determine public wells stand-pipes watering troughs and drinking fountains from which water may be drawn for drinking and domestic purposes.

(2) Any person who without the written consent of the Corporation takes water from any such public wells stand-pipes watering troughs and drinking fountains for any purpose other than domestic use or for drinking shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding five pounds.

Tube or hose not to be affixed to mains or pipes without consent of Corporation.

164. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Corporation to affix or suffer to be affixed without the written consent of the Corporation any tube or hose to any of the mains or pipes of the Corporation or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses carriages motor cars vehicles houses buildings or windows or for watering gardens or washing pavements or roads or for any other purpose and any person offending against this enactment shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding forty shillings.

Penalty for using water for other than agreed purpose.

165. Subject to the provisions of this Order any person who takes any water of the Corporation without having previously agreed with the Corporation for a supply and any person who having agreed with the Corporation for a supply of water for a particular purpose

PART VI. —*cont.*

uses or permits to be used for any purpose other than the purpose so agreed on the water so supplied by the Corporation shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding ten pounds and shall in addition to such penalty make full compensation to the Corporation for or in respect of the water so taken used or misapplied.

Pressure.

166. The water to be supplied from any main or pipe of the Corporation need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level higher or at a pressure greater than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken.

Power to lay water pipes in private streets.

167. The Corporation may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street which has been laid out but is not maintained as a public street supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Order.

Corporation to connect communication pipes with mains.

168. The Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall at the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation and subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes execute on any such main any work which is necessary to connect the communication or service pipe of such owner or occupier therewith and any expense incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Pipes not to be attached to Corporation works or alterations made

169. No person shall attach any pipe or apparatus to any of the works of the Corporation or to any main pipe or apparatus connected therewith or alter or interfere with the same or make any alteration other than

necessary repairs on any communication pipe or apparatus or extend or enlarge the same without the written consent of the Corporation and any person who contravenes this enactment shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding forty shillings.

PART VI. —*cont.*
on private pipes without consent.

170. The Corporation may remove any pipe or apparatus affixed in contravention of this Part of this Order or any Act incorporated herewith or restore to its former state any existing pipe or apparatus altered in contravention thereof and the expense of such removal or restoration shall be payable by the person affixing such pipe or apparatus or making such alteration without the written consent of the Corporation.

Pipes attached or altered without notice may be removed.

171.—(1) Nothing in this Order contained shall be deemed to prevent the earthing of an electrical installation to a water main or water pipe if the earth wire connecting the electrical installation to the water main or water pipe is to be used only—

As to earthing of electrical installations.

(*a*) as a measure of safety for the purpose of returning to the source of supply such leakage current as may flow or result from a failure of insulation;

(*b*) for radio frequency currents and currents from radio interference suppression devices;

(*c*) in connection with any telephone or telegraphic installation belonging to the Postmaster-General.

(2) A water main shall not be cut drilled or broken for the purpose of affixing an earth wire thereto and all reasonable and proper care shall be exercised in making any earth connection to prevent injury or damage to a water main or water pipe.

(3) Every earth connecting device affixed to a water main or water pipe shall be of such design as will ensure an efficient electrical connection and except as provided for in subsection (4) of this section shall be attached in a position convenient for and easy of access.

(4) An earth connection shall only be made to a buried water main or water pipe after notice to and in a manner approved by the Corporation.

(5) Any person who contravenes this section shall be guilty of an offence and for every such offence shall

Part VI. —*cont.*

be liable to a penalty not exceeding forty shillings and shall also be liable to the Corporation for any damage done to water mains belonging to the Corporation as a result of the discharge of electrical energy thereon.

Penalty for extending or enlarging pipes.

172. Any person who without the written consent of the Corporation extends or enlarges any pipe or uses other means or device for the purpose of supplying any other person or any premises other than his own with water from any of the works of the Corporation shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

Penalty for closing valves and apparatus.

173. Any person who wilfully or negligently closes or shuts off or interferes with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water is interfered with shall (without prejudice to any other right or remedy of the Corporation) be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover from such person the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing any valve on his communication pipe.

Maintenance of common pipe.

174. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expense from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer.

Corporation not bound to supply several houses by one pipe.

175. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Power to Corporation to repair communication pipes.

176. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which is situated in a street and which communication pipe the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it

shall be lawful for the Corporation subject to the provisions of the Waterworks Clauses Act 1847 with regard to the breaking up of streets for the purpose of laying pipes to execute such repairs as may be necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

As to breaking up ground for maintaining communication pipes.

177. For the purpose of complying with any obligation under this Part of this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Power to supply fittings.

178.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof:

Provided as follows:—

(*a*) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as

PART VI. —*cont.*

to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys advanced from the loans fund and sums applied in repayment of such advances);

(*b*) Every sum charged by the Corporation in respect of the provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Corporation to the consumer;

(*c*) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year shall be separately shown in the published accounts of the Corporation for such year.

Power to Corporation to re-washer water fittings.

179. The Corporation may re-washer any water fittings belonging to any person supplied by them with water and that either gratuitously or on payment by such person of the reasonable charges of the Corporation in providing the necessary materials and workmanship.

Corporation may repair apparatus on failure by owner or occupier.

180. If any of the apparatus shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do by the Corporation or by any officer of the Corporation the Corporation or any person authorised by them may enter upon such premises and repair renew and make watertight all such apparatus and the Corporation shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner provided in this Part of this Order for the recovery of penalties and for the purposes of this section the word " apparatus " means and includes pipe cistern bath watercloset ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connection therewith Provided that in the event of the expense of such repair or renewal being paid by the occupier of

PART VI. —*cont.*

any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

Injuring meters &c.

181.—(1) Any person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover as damages the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recoverable by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

PART VI. —*cont.*

Pipes and cisterns to be constructed to prevent waste and impurity.

182.—(1) Every pipe valve or cock and every cistern or other receptacle for water and every closet soil-pan and private bath which is supplied with water by the Corporation shall be constructed and used to their satisfaction so as effectually to prevent the waste misuse or undue consumption of water and the flow or return of foul air or other noisome or impure matter into the pipes or mains of the Corporation or into any pipes connected or communicating therewith.

(2) The Corporation shall not be bound to supply water into any pipe cistern or other receptacle for water closet soil-pan or private bath which is not so constructed and used.

Byelaws for preventing waste of water &c.

183.—(1) The Corporation may make byelaws for the purpose of regulating the supply of water by them and the apparatus used or to be used in connection with the use or consumption of water in or the conveyance of water to the houses or other premises of consumers and for preventing the waste undue consumption misuse or contamination of water.

(2) Such byelaws may prescribe the size and materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as " water fittings ").

(3) Byelaws made by the Corporation under this Part of this Order shall not take effect unless and until they have been submitted to and confirmed by the sheriff who is hereby empowered to allow modify or disallow the same as he shall think proper.

(4) The sheriff shall not confirm any such byelaws unless—

(*a*) at least one month before making such submission the Corporation shall have given notice of intention to apply for confirmation in one or more newspapers circulating within the burgh; and

(*b*) for one month at least before any such submission is considered a copy of the proposed byelaws has been open to inspection without charge at the office of the town clerk during office hours.

PART VI. —*cont.*

(5) Any person aggrieved by any proposed byelaw or by any proposed alteration of a byelaw may within the said period of one month during which the proposed byelaws are open to inspection forward notice of his objection to the sheriff who shall consider the same before granting confirmation.

(6) The town clerk shall on the application of any ratepayer furnish him with a copy of such proposed byelaw or any part thereof.

(7) A byelaw when confirmed by the sheriff shall not require confirmation allowance or approval by any other authority.

(8) Such byelaws and any alterations and amendments thereof shall be printed and have affixed thereto the common seal of the Corporation and the signature of the town clerk.

(9) The byelaws shall be open to the inspection of any ratepayer at all reasonable hours and a copy shall on application be furnished to any ratepayer.

(10) A copy of any byelaws made by the Corporation under this Part of this Order signed and certified by the town clerk to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

(11) In the case of the failure of any person to observe such byelaws any officer of the Corporation duly authorised and showing his authority if required may after twenty-four hours' notice in writing enter the premises occupied by such person and repair replace or alter any water fittings belonging to or used by such person which are not in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as a civil debt.

(12) Byelaws made by the Corporation under this Part of this Order shall apply in the case of all premises supplied with water by the Corporation but shall not apply to any premises supplied with water by the county council out of bulk supplies furnished by the

PART VI. —*cont.*

Corporation or to any premises supplied with water by any local authority water trustees or water board out of bulk supplies furnished by the Corporation under the provisions of the section of this Order the marginal note of which is "Power to supply water beyond limits of supply."

(13) Any person who acts in contravention of any byelaw made under this section shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(14) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as a dwelling-house) belonging to and forming part of the railway of a railway company.

Entry on premises to cut off supply.

184. In all cases in which the Corporation are by this Part of this Order or by any Act incorporated herewith authorised to cut off the pipe or to turn off water from any premises and in all cases in which any premises which have been supplied with water by the Corporation have become unoccupied any officer or workman of the Corporation duly authorised and showing his authority if required (after notice to the owner or occupier) may enter into any such premises between the hours of nine of the clock in the forenoon and five of the clock in the afternoon for the purpose of cutting off any pipe by which the water of the Corporation is supplied to such premises and may remove any pipe meter fittings or apparatus the property of the Corporation.

Power to enter premises for examination.

185.—(1) Any officer of the Corporation duly appointed for the purpose by them and showing his authority if required may between the hours of nine of the clock in the forenoon and five of the clock in the afternoon enter any premises supplied with water by the Corporation in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water.

(2) If such officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier shall be guilty of an offence and for every such

offence shall be liable to a penalty not exceeding five pounds. PART VI. —*cont.*

Notices to Corporation by water consumers.

186. A notice to the Corporation from a consumer (*a*) for the discontinuance of a supply of water or (*b*) in accordance with the provisions of this Part of this Order shall not be of any effect unless it be given in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the water engineer or be given by the consumer personally at such office and shall not take effect until the expiry of twenty-four hours after the receipt thereof by the Corporation.

For protection of owners of lands abutting on reservoirs.

187. Nothing in this Order shall prejudice or affect the existing rights (if any) of the respective owners of the lands abutting on the Ballo Reservoir Drumain Reservoir Harperlees Reservoir Holl Reservoir and Arnot Reservoir and their respective successors in the said lands to exercise any right of fishing shooting sporting curling and skating in or over the said reservoirs or of keeping and using boats on the said reservoirs or of erecting and maintaining boathouses thereon or of access that shall be necessary for the full use and enjoyment of the said fishing shooting sporting curling and skating rights but so that the exercise of such rights (if any) shall not injure the embankments pipes sluices or other works and shall not foul or pollute the said reservoirs Provided always that the Corporation or the water engineer or persons under their or his control may enter upon the said lands and may keep and use boats on the said reservoirs for the purpose of examining and repairing the works of the Corporation Provided further that nothing herein contained shall prevent the Corporation from themselves exercising any such fishing shooting sporting curling and skating rights which they may have or may hereafter acquire in or over any of the said reservoirs or from using and appropriating the waters of and in the said reservoirs for the purposes of this Part of this Order or from causing the waters to be drawn or let off from the said reservoirs for the purposes of repairing or inspecting the state of such reservoirs or any of the dams banks tanks channels water-gates pipes or other works appertaining thereto or for the purpose of cleaning out such reservoirs or any part thereof but in any such case the Corporation shall use all convenient speed in making such repairs or in executing such cleaning.

PART VI. —*cont.*

For protection of county council of Fife.

188. In the exercise of the powers by this Part of this Order conferred so far as they affect highways in the county the following provisions for the protection of the county council shall (except so far as otherwise agreed to in writing between the Corporation and the county council) have effect (that is to say):—

(1) Nothing in this Part of this Order contained shall interfere with the right of the county council to alter the level of or divert or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the Corporation shall have been laid and the Corporation shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the county council alter at their own expense the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed:

(2) The county council shall not be liable for or in respect of any damage or injury done to any work of the Corporation by reason of such work being laid at a depth below the surface of any highway insufficient for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or from the passage of the traffic in such highway or in repairing any county bridge or the approaches thereto or culvert:

(3) Any question or difference between the Corporation and the county council arising under this section shall be referred to and determined by arbitration in manner hereinafter provided.

For protection of London and North Eastern Railway Company.

189. The following provisions for the protection of the London and North Eastern Railway Company (hereinafter in this section called "the company") shall and unless otherwise agreed between the company and the Corporation apply and have effect with respect to the execution by the Corporation of any works of construction maintenance repair renewal enlargement duplication alteration or improvement of the aqueducts and relative works forming part of the water undertaking so far as the

same are situated in over under or affecting any works or property belonging to or occupied or maintainable or repairable by the company (which works of maintenance repair renewal enlargement duplication alteration or improvement are hereinafter in this section referred to as "the works") (that is to say):— PART VI. —*cont.*

(1) The Corporation shall not under the powers of this Part of this Order 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 servitude in under over or upon the lands property and works of the company as may be required for the execution of the works:

(2) Before commencing the works the Corporation shall submit to the company plans sections working drawings and specifications thereof showing the line and level and the manner in which the works are to be carried out and the mode of execution thereof for the approval of the company which approval shall not be unreasonably 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:

(3) The works shall be constructed carried on and completed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and at the sight and to the reasonable satisfaction of the engineer of the company and all such works shall be maintained repaired or renewed by the Corporation so long as they exist on the lines and levels shown on the said plans sections and working drawings and as described in the said specifications so approved at their sole risk and costs and at the sight and to the reasonable satisfaction of the engineer of the company:

(4) The Corporation shall not without the previous consent in writing of the company which consent shall not be unreasonably withheld enter upon or alter or interfere with the railways

PART VI. —*cont.*

works and property of the company (all hereinafter in this section referred to as "the railways") further or otherwise than may be necessary for the execution of the works of the intention to execute which they shall give the company fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given :

(5) The Corporation shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connection with the execution of the works or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the company may reasonably incur in connection with the employment of inspectors signalmen watchmen and others and for superintendence of and for all extra precautions for the safety and working of their traffic or protection of their property required in connection with the execution maintenance renewal use alteration replacing or repair of the works :

(6) The works shall be carried out by the Corporation so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the works) or endanger the structure or stability of any of the railways and the Corporation shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the railways and should any damage or injury to or interruption or impediment of or interference with the passage or conduct of traffic on the railways be caused by or be in any way owing to the works or the failure of or defect in any of the works the Corporation shall at their own cost and free of all expense to the company execute and do all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the Corporation

and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove or prevent such interruption impediment or interference and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith:

(7) The Corporation shall also make reasonable compensation to the company for all loss or damage caused by the works and such interruptions impediment or interference to or with the railways and the Corporation shall also free and relieve and indemnify the company from all damages or compensation which may be recovered from them at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the works or any other person or persons by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible:

(8) Should it be necessary in executing the works to alter or remove any telegraph posts wires or other telegraphic or telephonic apparatus belonging to or maintained by the company the Corporation shall pay to and reimburse the company in all expense incurred by them in connection with such alteration or removal and the erection of other posts wires or apparatus in substitution for those so altered or removed:

(9) Nothing in this Part of this Order contained or which may be done in pursuance hereof shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the railways without interference on the part of the Corporation and without incurring any liability to them or to any person using the works for any loss injury damages or expenses which may arise from such maintenance repair

PART VI. —*cont.*

reconstruction alteration renewal deviation widening or enlarging provided that any extra expense which the company may incur in such maintenance repair reconstruction alteration renewal deviation widening or enlarging by reason of the existence of any of the said works shall be paid by the Corporation:

(10) In the event of the company exercising any of the powers referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the works and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect the works:

(11) If the company give to the Corporation notice that they themselves desire to execute any of the works the company may themselves execute the works and recover the reasonable cost thereof from the Corporation:

(12) Any question or difference between the Corporation and the company arising under this section shall be referred to and determined by arbitration in manner hereinafter provided.

Saving of agreement with T. F. Hope Bruce of Arnot.

190. Nothing in this Part of this Order contained shall prejudice or affect the agreement between the Waterworks Commissioners of Kirkcaldy and Dysart on the one part and Thomas Francis Hope Bruce esquire of Arnot on the other part as set forth in the Seventh Schedule to this Order.

For protection of Postmaster-General. 26 & 27 Vict. c. 112. 16 & 17 Geo. 5. c. 54.

191. Nothing in this Part of this Order shall prejudice or affect any of the rights powers or authorities of the Postmaster-General under the Telegraph Acts 1863 to 1926.

Defacing notice boards.

192.—(1) Any person who—

(*a*) pulls down or breaks or defaces any notice board erected by the Corporation relating to the water undertaking; or

(*b*) obliterates any of the letters or figures thereon; or

PART VI. —*cont.*

(*c*) defaces or obliterates any public mark or notification denoting the position of any fire plug or valve;

shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

(2) Such person shall also defray the expenses of restoring such notice board or mark or notification and such expenses shall be recoverable as a civil debt.

Determination and recovery of compensation &c.

193. Where under the provisions of this Part of this Order or of the Waterworks Clauses Acts 1847 and 1863 except in cases where the Lands Clauses Acts are applicable any compensation damages or expenses are payable to or by the Corporation the amount of the same failing agreement shall unless otherwise in this Part of this Order expressly provided be determined by the sheriff in a summary manner or by an arbiter appointed by the sheriff on the application of the Corporation or of the other party concerned and such amount as so determined shall be recoverable by the Corporation or the other party concerned as the case may be as a civil debt.

Recovery and application of penalties.

194. Save as otherwise by this Order expressly provided all penalties fines and forfeitures imposed for offences against this Part of this Order or any Act wholly or partially incorporated herewith or any byelaws of the Corporation under the provisions of the section of this Order the marginal note of which is "Byelaws for preventing waste of water &c." for the time being in force may be recovered under the Summary Jurisdiction (Scotland) Acts and shall (except penalties fines and forfeitures imposed on or recovered from the Corporation) be paid to the Corporation and be by them carried to the revenue account of the water undertaking Provided that costs or expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered as civil debts and all expenses of prosecutions and convictions in so far as not paid by or recovered from the person contravening the provisions of this Part of this Order or any Act wholly or partially incorporated herewith or the said byelaws

PART VI. —*cont.*

shall be paid by the Corporation and form a proper charge against the revenue account of the water undertaking.

Revenue to be regulated so as not to exceed expense.

195. The Corporation shall as nearly as possible so regulate the rates and charges imposed or to be imposed by them under this Order for and in connection with the water undertaking that the proceeds thereof along with the other revenues of the undertaking may one year with another produce the amount of money required for carrying on the undertaking including the payment of interest on any moneys advanced from the loans fund and sums applied in repayment of such advances.

PART VII.

OMNIBUSES.

Power to run public service vehicles.

20 & 21 Geo. 5. c. 43.

196. Notwithstanding the repeal of the repealed Acts the Corporation shall be deemed to be a local authority operating an omnibus undertaking under a local Act within the meaning and for the purposes of Part V (Running of public service vehicles by local authorities) of the Road Traffic Act 1930.

For protection of London and North Eastern Railway Company.

197. The Corporation shall not within the burgh (*a*) attach signs or erections indicating the position of stopping places for omnibuses to any lamppost pole standard or other similar erection belonging to the London and North Eastern Railway Company except with their consent in writing or (*b*) provide erect and maintain on any bridge or road belonging to or maintained by the London and North Eastern Railway Company or so as to obstruct the convenient access to or exit from any station depot or other property of the said company—

(i) shelters or waiting rooms for the accommodation of passengers or cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by the Corporation in connection with their omnibus undertaking; or

(ii) barriers and posts at any stopping place or terminus for the purpose of securing compliance with any byelaws which may be made by the Corporation requiring persons waiting to enter

omnibuses at any stopping place or terminus upon any of their omnibus routes to wait in lines or queues and to enter such omnibuses in the order in which they stood in such line or queue. PART VII. —*cont.*

PART VIII.

FINANCE.

(*A*)—*Preliminary.*

198. In this Part of this Order unless the subject or context otherwise requires— Definitions for Part of Order relating to finance.

"Public utility undertakings" means the gas undertaking the electricity undertaking the harbour undertaking the water undertaking and the omnibus undertaking of the Corporation;

"Statutory borrowing power" means any power of borrowing or continuing on loan or reborrowing money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament 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 or any Provisional Order confirmed by Act of Parliament passed or to be passed.

(*B*)—*Accounts.*

199.—(1) The Corporation as the local authority shall establish and administer a fund to be called "the burgh fund." Burgh fund.

Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation on revenue account including (but without prejudice to the generality of this provision) the produce of the burgh rates Government grants contributions in lieu of rates on Crown property all money received on account of revenue including receipts for services and commodities fees for hospital sanatorium convalescent home and any other institutional service or treatment or aliment charges for street work and materials fees for inspection

PART VIII. —*cont.*

and licences and all rents feu-duties ground annuals interest and other annual proceeds received from any investments including investments forming part of any reserve or any equalisation depreciation insurance or renewal or superannuation fund shall be carried to and form part of the burgh fund and there shall be paid or transferred out of the burgh fund all payments and expenses made and incurred by the Corporation on revenue account in respect of any public utility undertaking or in carrying out or into execution the powers and provisions of this or any other Act or Order including all annuities interest on moneys borrowed by the Corporation and sums equivalent to any amount required by law to be paid or transferred or which the Corporation may determine to pay or transfer to the loans fund or to any such fund as is referred to in this section.

(2) Subject to the provisions of this Order the Corporation may out of the burgh fund transfer into the reserve or into any depreciation accident or renewal funds of any of the public utility undertakings such amounts as from time to time shall seem to the Corporation to be necessary or desirable.

(3) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable or to carry into the burgh fund any moneys forming part of any superannuation fund within the meaning of section 32 of the Finance Act 1921 or any moneys belonging to the Corporation as a trustee.

(4) Save as expressly provided by section 358 of the Burgh Police (Scotland) Act 1892 this section shall not apply to the revenues or expenditure of the common good of the burgh.

Disposal of surpluses and treatment of deficiencies.

200.—(1) If a surplus on account of the burgh fund shall remain at the end of any year after the whole deficiency for which the burgh rates were imposed and levied shall have been provided for such surplus shall be retained in the burgh fund and subject to the provisions of this Order be taken into account in estimating for the burgh rates for the following year and if the burgh rates for any year shall not be sufficient for the purpose for which they were imposed and levied the Corporation shall and they are hereby authorised and required to

make provision for the payment of such deficiency in the following and subsequent years until the same shall be fully paid. PART VIII. —*cont.*

(2) If the Corporation think fit any such surplus or deficiency may be adjusted in so far as that is practicable through the medium of a rate reserve account but the amount standing at the credit of such account which shall be used as a working balance shall not at any time exceed the sum of ten thousand pounds.

Accounts of public utility undertakings.

201.—(1) The Corporation shall keep separate accounts and balance sheets in respect of each of the public utility undertakings so as to show the financial position of the said undertakings respectively Such accounts shall distinguish capital from revenue and as to revenue shall show under a separate heading or division on the one side all receipts and on the other side all payments and expenses in respect of each public utility undertaking such payments and expenses being divided so as also to show in the case of each public utility undertaking the amounts representing—

(*a*) The working and establishment expenses and cost of maintenance thereof;

(*b*) The interest on moneys borrowed by the Corporation for the purposes thereof or connected therewith;

(*c*) The amounts appropriated to the loans fund for the extinction of debt during the year;

(*d*) All other expenses (if any) properly chargeable to revenue in respect of each undertaking including any sums appropriated to the reserve or any other fund of the undertaking.

(2) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable and in an equitable and reasonable manner 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.

Application of surplus revenue of public utility undertakings.

202. If in any year moneys received by the Corporation on account of the revenue of any public utility undertaking shall exceed the aggregate of the moneys paid or expended by the Corporation in respect

PART VIII. —*cont.*

of that undertaking for the several purposes mentioned in paragraphs (*a*) (*b*) (*c*) and (*d*) of the section of this Order of which the marginal note is "Accounts of public utility undertakings" then a sum equivalent to the amount of such excess may be credited to the revenue account of the undertaking for the next succeeding year Provided always that in connection with the electricity undertaking the provisions of the section of this Order of which the marginal note is "Provision as to surplus electricity revenue" shall be given effect to.

Provision as to surplus electricity revenue.

203. The following provisions shall notwithstanding anything in this or any other Act or Order 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 surplus revenue of public utility undertakings") (namely):—

(1) 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 of public utility undertakings" (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 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:

(3) If the Corporation shall be desirous before making the reductions referred to in subsection (1) (*a*) and (*b*) of this section of applying any of the excess in reduction of the capital moneys borrowed for electricity purposes or with the consent of the Electricity Commissioners in payment of any expenses of constructing renewing extending and improving the works and conveniences for the purposes of the electricity undertaking they may do so.

Insurance fund.

204.—(1) The Corporation may at any time establish and maintain a fund to be called the "insurance fund" for the purpose of making good losses damages costs and expenses arising out of risks against which in the absence of such fund the Corporation would ordinarily insure.

(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 transfer to that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums

PART VIII. —*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 partly 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 shall amount to the prescribed amount as hereinafter defined the Corporation may if they think fit discontinue the yearly transfers to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly transfers to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) (*a*) The amount from time to time standing to the credit of the fund may be invested in securities in which the Corporation are authorised to invest.

(*b*) In addition to the sum required to be transferred to the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than the prescribed amount transfer to that fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the burgh fund.

(6) If at any time the fund is insufficient for the purpose mentioned in subsection (1) of this section the Corporation may borrow such sums as the Secretary of State may sanction in order to make up the deficiency Sums so borrowed shall be repaid in such manner and period as the Secretary of State may prescribe.

(7) In relation to any sanction to be given by the Secretary of State to the borrowing of moneys under this section the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889:

Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

(8) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation. PART VIII. —*cont.*

Reserve funds.

205.—(1) The Corporation may at any time in respect of each of the public utility undertakings establish and maintain reserve funds to which contributions may be made out of the burgh fund subject to the provisions of this Part of this Order.

(2) The amount from time to time standing to the credit of any reserve fund shall not exceed one-tenth of the aggregate capital expenditure of the particular undertaking and such amount may be invested in securities in which the Corporation are authorised to invest.

(3) Any existing reserve fund which has been formed for the purpose of any undertaking of the Corporation 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.

(4) Any reserve fund shall be applicable—

(*a*) 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

(*b*) subject in the case of the electricity undertaking to the consent of the Electricity Commissioners for the renewal improvement or extension of any part of the undertaking or otherwise for the benefit of the undertaking;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Accounts of harbour and omnibus undertakings to be furnished to Minister of Transport.

206. The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport copies of the annual accounts of the harbour and omnibus undertakings and of the loans fund of the Corporation.

PART VIII. —*cont.*

(*C*)—*Rating.*

Annual estimates.

207. The Corporation shall annually on or before the last day of August in each year estimate and fix for the financial year then current namely from the sixteenth day of May preceding to the fifteenth day of May succeeding (*a*) the expenditure on revenue account and all other charges and expenses chargeable against revenue for any of the purposes referred to in the Eighth Schedule to this Order or in any of the provisions of this Order (except those relating to any of the public utility undertakings) or of any other Act or Order of or relating to the Corporation as the local authority or for carrying out the provisions of any public general Act in operation within the burgh for the time being which imposes or confers upon the Corporation powers duties or obligations and (*b*) the expenditure on revenue account and all other charges and expenses chargeable against revenue of the public utility undertakings.

And upon these estimates the Corporation shall after taking into account all sums receivable on revenue account estimate the deficiency of the burgh fund and thereafter determine the assessments rates and charges authorised and required to be levied or imposed to make good the deficiency.

Laying on of rates.

208.—(1) On or before the fifteenth day of September in each year the Corporation shall lay on or impose a consolidated rate to be called the "burgh rates" 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 the marginal note whereof is "Annual estimates."

(2) Subject to any statutory provision for exemption or abatement—

(*a*) The burgh rates (except so much thereof as relates to expenditure for and in connection with the water undertaking) shall be imposed upon the owners and the occupiers or the owners or the occupiers of lands and heritages within the burgh according to the rateable value of such lands and heritages in such manner as to provide that the expenditure to be met thereby shall be payable—

(i) wholly by the occupiers in respect of expenditure for and in connection with the

purposes mentioned in the Eighth Schedule to this Order; and

(ii) one-half by the owners and one-half by the occupiers in respect of expenditure for and in connection with purposes other than those mentioned in that schedule; and

(*b*) So much of the burgh rates as relates to expenditure for and in connection with the water undertaking (after taking into account the other rates and charges which the Corporation may impose under this Order and the other revenues of the water undertaking) shall be imposed so as to provide that such expenditure shall be payable—

(i) as to one-third thereof by the owners of all lands and heritages within the limits of water supply according to the rateable value of such lands and heritages; and

(ii) as to the remainder thereof by the occupiers of all dwelling-houses and of such parts of all shops and buildings as may be used as dwelling-houses within the limits of water supply according to the rateable value of such dwelling-houses and parts of shops and buildings and of any offices gardens yards or greens belonging thereto or occupied therewith respectively.

(3) In imposing the burgh rates the Corporation shall not be bound to fix any rate of assessment which shall include a fractional part of a penny.

(4) As regards any part of the burgh rates which may at any time be levied to make good any deficiency that may arise in respect of the omnibus and the harbour undertakings of the Corporation the occupier of any lands or heritages belonging to or leased or used by a railway company in the case of the omnibus undertaking and the owner and occupier of any such lands or heritages in the case of the harbour undertaking shall not be liable to pay such part of the burgh rates.

Apportionment of value for purposes of water charges &c.

209. Where for the purposes of subparagraph (ii) of paragraph (*b*) of subsection (2) of the section of this Order the marginal note of which is "Laying on of rates" or of any charges for water to be levied or imposed

PART VIII. —*cont.*

under this Order an apportionment is required of the total rateable or gross annual value of lands and heritages entered in the valuation roll under a single entry such apportionment may be made by the water engineer and a certificate under his hand of such apportionment shall be final and binding on all parties.

Abatements from burgh rates.

210. Notwithstanding any enactment to the contrary the following provisions shall apply and have effect with respect to abatements from the burgh rates (that is to say):—

(1) In the case of docks piers and quays of the harbour of Kirkcaldy rails turn-tables steelyards cranes and sheds constructed thereon and any extensions thereof only such portion of the owners' share of the burgh rates shall be leviable in respect of such docks and others as remains after deducting five and one-tenth per centum of that share:

(2) In the case of lands and heritages where the mains or other pipes of the Corporation are not laid down and properly supplied with water within one hundred feet from the outer wall fence or boundary of such lands and heritages only such portion of the owners' share of the burgh rates shall be leviable in respect thereof as remains after deducting five and two-thirds per centum of that share.

Application of statutory provisions to burgh rates.

211. Subject to the provisions of this Order the statutory provisions applicable to the burgh relating to the assessment levying and imposition of rates and the collection and recovery thereof including without prejudice to the said generality the provisions relating to preference and to penalties in respect of the non-payment of rates by a prescribed date shall mutatis mutandis apply to the burgh rates leviable by the Corporation under the provisions of this Order or otherwise and the burgh and the inhabitants thereof respectively.

Limits of rates not to be exceeded

212. Notwithstanding anything in this Order in no case shall the limits of any rates in respect of any services imposed by any Act or Order on the Corporation or any duly authorised increase thereof in any case be exceeded nor shall the proportion of the burgh rates to be levied in any year in respect of expenditure for and

in connection with the harbour undertaking exceed the produce of one shilling in the pound on the gross annual value of the burgh. PART VIII. —*cont.*

213. The local rate for the purposes of the Electricity (Supply) Acts 1882 to 1936 and the Electric Lighting Clauses Act 1899 shall after the commencement of this Order be the burgh rates. Local rate for purposes of Electricity (Supply) Acts.

214. The expenses of and connected with all the cemeteries in the burgh so far as belonging to the Corporation shall be a charge on the burgh rates. Cemetery rate.

(D)—Borrowing.

215. The Corporation shall establish and administer a fund to be called " the loans fund " applicable to all moneys borrowed or to be borrowed by the Corporation and the redemption or repayment thereof and the payment of interest or dividends thereon and the existing loans fund of the Corporation shall be merged in the said loans fund as at the commencement of this Order The loans fund shall be applied and administered by the Corporation in accordance with the rules and regulations contained in the Ninth Schedule to this Order. Establishment of loans fund.

216.—(1) All borrowing powers of the Corporation granted prior to the commencement of this Order under or in accordance with the provisions of any of the repealed Acts or Orders or the Burghs Gas Supply (Scotland) Act 1876 shall (notwithstanding the repeal of the repealed Acts and Orders and the termination of the application of the said Act of 1876 to the burgh in the terms of the section of this Order of which the marginal note is " Burghs Gas Supply (Scotland) Act to cease to apply ") continue to be in force as fully and effectually as if the Act confirming this Order had not been passed but only in so far as the amounts borrowed are outstanding and not paid off or the borrowing powers are unexhausted at the commencement of this Order. Existing borrowing powers continued.

(2) The said borrowing powers so far as the same shall be exercised by the Corporation after the commencement of this Order shall have effect as if they were statutory borrowing powers granted by this Order.

PART VIII. —*cont.*

(3) The sums of money which the Corporation have been authorised to borrow for the undertakings mentioned in the Tenth Schedule to this Order and the amounts outstanding and not paid off and the amount of the unexhausted borrowing powers as at the fifteenth day of May one thousand nine hundred and thirty-eight are set forth in the said schedule.

Additional borrowing powers.

217.—(1) In addition to any money borrowed under any existing borrowing powers 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—

(*a*) any purpose of any of the public utility undertakings for which capital is properly applicable; and

(*b*) any statutory purpose authorised by any local Act or Order in force immediately before the commencement of this Order or any other purpose of this Order for which capital is properly applicable and for which borrowing powers have not otherwise been granted or provided for.

(2) Money borrowed under the provisions of this section shall be wholly repaid within such period 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.

(4) The Secretary of State shall have and may exercise in relation to any such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purpose of this subsection the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

Application of section 49 (Power to borrow temporarily) of Burgh Police

218. The power to borrow temporarily conferred by section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 shall apply to any current expenses of the Corporation under and to any expenses which the Corporation are entitled to defray from moneys borrowed under any private or local Act or Provisional

Order and order or sanction of any Government department as well as to any similar expenses under any public general Act.

PART VIII. —*cont.* (Scotland) Act 1903.

Repayment of moneys borrowed.

219.—(1) The Corporation shall in each year set apart amounts being not less than the sums of money required in that year for repayment of advances for the various purposes of the Corporation according to the period of repayment in each case.

(2) The existing statutory periods for repayment of moneys borrowed according to the various enactments affecting the same set forth in the Eleventh Schedule to this Order shall notwithstanding any repeal by this Order continue to be in force as fully and effectually as if the Act confirming this Order had not been passed Provided that in the case of the water undertaking—

(*a*) the unredeemed capital debt as at the fifteenth day of May one thousand nine hundred and thirty-eight shall be repaid within a period not exceeding fifteen years; and

(*b*) the annual sums transferable to the loans fund in repayment of the said capital debt shall be so calculated as to secure as nearly as possible that (after taking into account sums receivable by way of Government grant in respect of schemes for the relief of unemployment carried out before the commencement of this Order and chargeable to the water account) the cost to the water account for interest on and repayment for the said capital debt shall be equal each year.

(3) Subject to the provisions of this Order the period for repayment of sums advanced by the loans fund for capital purposes shall not exceed thirty years except as may be otherwise provided in this Order or in any other enactment or in any sanction of any Government department.

Repayment of moneys borrowed for municipal buildings and offices.

220. Notwithstanding anything in this Order or in any other enactment it shall be lawful for the Corporation to repay advances from the loans fund made for the purpose of defraying capital expenditure on municipal buildings and offices over any period not exceeding fifty years from the date of such expenditure.

PART VIII. —*cont.*

Mode of raising money.

221. Subject to the provisions of this Order and without prejudice to the raising of such moneys by any other competent method the Corporation may raise all or any moneys which they are authorised to borrow in one or other or all of the ways or methods following (that is to say) :—

(*a*) by temporary loan or deposit receipt provided that the total amount of money raised in this way shall not at any time exceed ten per centum of the total amount of moneys borrowed by the Corporation and outstanding;

(*b*) by overdraft from any bank;

(*c*) by means of a cash credit account with any bank;

(*d*) by mortgages;

(*e*) by using any moneys for the time being forming part of reserve depreciation renewal superannuation or other funds belonging to or held by them;

(*f*) by corporation stock.

Mortgages.

222.—(1) All mortgages made and granted by the Corporation after the commencement of this Order together with the renewals assignations and discharges thereof may be in the forms respectively contained in the Twelfth Schedule to this Order or as near thereto as may be.

(2) There shall be kept at the office of the town chamberlain a register of mortgages (hereinafter in this section referred to as " the register ") made and granted by the Corporation and before any mortgage shall be delivered to the mortgagee the town chamberlain shall make or cause to be made an entry in the register of the following particulars thereof (that is to say) :—

(*a*) the name and description of the mortgagee;

(*b*) the number and date of the mortgage;

(*c*) the term of repayment; and

(*d*) the rate of interest;

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

(3) In the case of a mortgage made and granted by the Corporation either before or after the commencement of this Order every assignation of the same granted after the commencement of this Order shall be intimated in writing to the Corporation at the office of the town chamberlain and the person making the intimation shall produce therewith such mortgage and the assignation thereof and the town chamberlain shall make or cause to be made an entry in the register of the date of any such assignation and of the names of the parties thereto and a certificate of registration signed or initialled by the town chamberlain shall be endorsed on the mortgage.

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

(*a*) the date of renewal;

(*b*) the term of repayment under such renewal; and

(*c*) the rate of interest for the period of the renewal.

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

(6) The whole expenses of and attending the making and granting of mortgages by the Corporation shall form a charge on the loans fund.

(7) 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.

Raising money by employment of reserve fund &c.

223. Where the Corporation raise any money which they are authorised to borrow by using any moneys for the time being forming part of reserve depreciation renewal superannuation or other funds belonging to or held by them the employment of such moneys or funds shall be deemed to be an exercise of statutory borrowing powers in the same way as if money had been raised by stock or other form of borrowing and interest shall be allowed on the moneys or funds so employed at a rate as nearly as possible equivalent to (*a*) the rate at which the Corporation could at the date of such employment borrow from outside sources for similar periods or (*b*) the rate at which the fund concerned could at the date of

PART VIII. —*cont.*

such employment invest in outside securities of comparable status for similar periods whichever is the greater.

Interest as first charge on burgh fund.

224.—(1) The interest and dividends for the time being payable in respect of all moneys borrowed by the Corporation shall be the first charge on the funds rates and revenues of the Corporation.

(2) The provisions of this section shall not prejudice or affect any existing security created or granted by the Corporation before the commencement of this Order and chargeable upon the funds rates and revenues of the Corporation or any portion thereof.

Unclaimed dividends.

225.—(1) If at any time any interest or dividend payable out of the loans fund is unclaimed at the time for payment 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 burgh stating that such interest or dividend remains unclaimed.

Dividends on securities held jointly.

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

(2) Where any security issued by the Corporation is standing in the name of a person with limited contractual capacity jointly with any person not under legal disability a power of attorney for receipt of the interest or dividends thereon 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 Corporation before acting on the power of attorney may if they think fit require proof to their satisfaction of the alleged limitation of contractual capacity by a statutory declaration of one or more competent persons.

PART VIII. —*cont.*

Receipt in case of persons not sui juris.

227. If the holder of any security issued by the Corporation is a person with limited contractual capacity the receipt of the guardian or trustee of his estate or of his tutor curator or curator bonis shall be a sufficient discharge to the Corporation of any money payable by them to such person.

Evidence of transfer or transmission of securities.

228. It shall not be obligatory on the Corporation to receive or register any transfer assignation confirmation probate letters of administration act and warrant of a trustee in sequestration certificate of death or marriage or other document adduced as evidence of a transmission of any security issued by them except upon the production to and temporary deposit with the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Corporation not to regard trusts.

229.—(1) No notice of any trust express implied or constructive in respect of any loan or security for loan issued by the Corporation shall be entered in the stock register or register of mortgages or other books kept by the Corporation as the case may be or be receivable by the Corporation or shall affect the Corporation.

(2) The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the stock register or register of mortgages or other books kept by the Corporation as the case may be shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of any such loan or security or any part thereof or any interest thereon not entered in their registers or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for

PART VIII. —*cont.*

any loss misapplication or non-application of any such money.

Protection of holders of Corporation securities.

230. 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.

Appointment of judicial factor.

231.—(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 present a petition 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 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.

(3) For the purpose of this section the expression "Document of debt" shall include—

Stock certificates mortgage deeds cash credit bonds or any other security for loans raised or issued by the Corporation.

Certain sections of Burgh

232. As from the date of the commencement of this Order the following provisions of the Burgh Police

(Scotland) Act 1892 shall cease to apply to the burgh and to the Corporation (namely) section 374 from the words " Provided always " where these words first occur to the end of the section and sections 376 to 378 inclusive.

PART VIII. —*cont.*

Police (Scotland) Act 1892 to cease to apply.

(E)—Corporation stock.

233.—(1) Subject to the provisions of this Order the Corporation may from time to time by resolution create redeemable stock for the purpose of raising moneys which they are authorised to borrow under any statutory borrowing power and such stock may be issued from time to time for such amount within the limit of the borrowing power at such price and to bear such half-yearly or other dividends as the Corporation may direct.

Creation of Corporation redeemable stock.

(2) Stock so created shall be designated " Kirkcaldy Corporation three per cent. (or such other rate of dividend per cent. as shall be payable thereon) redeemable stock " (in this Part of this Order referred to as " corporation stock ").

(3) The resolution for the first creation of any class of redeemable stock shall provide that such stock shall be redeemed by the Corporation at par at the expiration of a period to be fixed by the resolution not exceeding sixty years from the first creation of each class of redeemable stock and subject to the provisions of the section of this Order of which the marginal note is " Provisions respecting stock certificates with coupons to bearer " the stock shall be transferable by deed only.

234. All corporation stock redeemed by the Corporation 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 and the same are by virtue of this Order extinguished.

Extinction of stock redeemed or purchased.

235.—(1) Where any security granted or created before or after the commencement of this Order by the Corporation 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 thereby secured or represented or to redeem the same they may pay off or redeem the

Payment off or substitution for existing securities.

PART VIII. —*cont.*

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 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.

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

(5) Money received by the holder of any security as authorised by this section and the 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.

PART VIII. —*cont.*

Application of Bankers' Books Evidence Act 1879. 42 & 43 Vict. c. 11.

236. The Corporation in relation to the provisions of this Part of this Order in regard to stock shall be deemed a banker within the Bankers' Books Evidence Act 1879.

Corporation stock register.

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

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

Certificates of proprietorship of stock.

238.—(1) On demand of a holder of corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof specifying the amount of corporation stock to which he is entitled (in this Part of this Order referred to as a "stock certificate").

(2) 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.

(3) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the stock certificate lost or destroyed.

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

Power for stockholder to transfer.

239. Subject to the provisions of this Order every stockholder may transfer all or any part of his stock.

PART VIII. —*cont.*

240. The provisions of this section shall apply to transfers of corporation stock:—

Transfer by deed.

(1) Every transfer of corporation stock shall be by deed and the consideration shall be duly stated therein;

(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 Corporation and the Corporation shall cause the deed of transfer to be preserved in a book to be called "the register of transfers of corporation stock";

(4) The Corporation shall on demand and on delivery up 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 direction of the Corporation shall be equivalent to a new stock certificate;

(5) Until the deed of transfer has been so delivered to the Corporation the Corporation shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer.

241.—(1) The Corporation before allowing any transfer of stock may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

Closing of transfer books.

242.—(1) The Corporation may as regards any portion of corporation stock close the register of transfers of corporation stock on any day in the month next before that in which dividends on that portion of corporation

stock are payable but so that the books be not at any time kept closed for more than twenty-one days. PART VIII. —*cont.*

(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.

Transmission on death &c.

243.—(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 Corporation 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 Corporation 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 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 may require.

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

(5) Until the transmission has been so authenticated the Corporation shall not be affected thereby and no person claiming by virtue thereof shall 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.

Dividends to executors &c.

244. The Corporation shall not be required to allow any executors or administrators to receive any dividend on corporation stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation for registration.

Evidence of title.

245. The Corporation before allowing the receipt of any dividend on any corporation stock may if the

PART VIII. —*cont.*

circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

Dividend warrants by post.

246.—(1) Unless where otherwise desired by a stock holder in writing his dividend warrant shall be sent to him by post to the address given by him to the Corporation.

(2) The posting by the Corporation 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 be equivalent to the delivery of the warrant to the stockholder himself.

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

45 & 46 Vict. c. 61.

Provisions respecting stock certificates with coupons to bearer.

247.—(1) On demand of a stockholder the Corporation 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) Where a corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable by deed under and according to the provisions of this Order.

(3) The bearer of a corporation stock certificate to bearer may on delivery up to the Corporation 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 register as transferable and shall become and again be transferable by deed 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.

PART VIII. —*cont.*

(4) The coupons issued with a corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(5) 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 may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

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

(7) If a corporation stock certificate to bearer or coupon is worn out or damaged the Corporation on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(8) If a corporation stock certificate to bearer or coupon is lost or destroyed the Corporation 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.

(9) All coupons issued under this Order 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.

(10) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and 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 incidents in all respects as if that stock had continued to be registered in the corporation stock register as transferable by deed.

Nature of corporation stock.

248. Corporation stock is moveable or personal property.

PART VIII. —*cont.*

Saving for power of revocation.

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

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

250.—(1) Corporation stock shall be deemed capital stock of a body corporate within 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 Forgery Act 1870.

Forms.

251. The forms given in the Thirteenth Schedule to this Order may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

252. Fees not exceeding those specified in the Fourteenth Schedule to this Order may be taken by or on behalf of the Corporation in the cases therein mentioned.

(F)—Miscellaneous.

Charges for special readings of gas electricity and water meters.

253. The Corporation may levy and recover such charges as they think fit for taking at the request of and for the convenience of any consumer at a time other than that of the periodical meter readings the reading of any gas electricity or water meter fixed in any premises Provided that such charges shall not exceed the sum of one shilling for each reading.

Gas and electricity prepayment meters.

254. Any person who for the purpose of operating any prepayment meter through which gas or electricity is supplied to him or to premises occupied by him frequently or habitually uses any thing other than the coin of the realm by which such prepayment meter is designed and intended to be operated shall be guilty of an offence and for each such offence shall be liable to a penalty not exceeding forty shillings.

Deposit for gas and electricity charges.

255. The Corporation shall not be bound to give or continue a supply of gas or a supply of electricity or a supply of gas and electricity to any person unless

PART VIII. —*cont.*

such person in addition to any other statutory requirement provides if required sufficient security for the sums of money which may become due to the Corporation for such supply and the Corporation may require that such security shall be provided by way of cash deposit in accordance with the following provisions (that is to say):—

(1) The deposit to be provided for a supply of gas or a supply of electricity or for a supply of gas and electricity to any premises shall not exceed fifty per centum of the annual charge for the amount of gas or electricity or gas and electricity estimated in the case of gas by the engineer of the gas undertaking and in the case of electricity by the engineer of the electricity undertaking as likely to be consumed in the premises Any dispute between the Corporation and any person as to the amount of such deposit may be determined on the application of either party by the sheriff who may also determine by which of the parties the costs of the proceedings before him shall be paid and his decision shall be final and binding on all parties:

(2) Where the Corporation give a supply of gas and also a supply of electricity for the same premises the deposit may be applied towards payment of the charges for either gas or electricity or for gas and electricity consumed in such premises Provided that this provision shall not apply unless the Corporation have required a deposit to be made in respect of the charges both for the supply of gas and electricity:

(3) The Corporation may return any deposit to the person making the same or his legal representatives at any time they think fit:

(4) After the expiry of five years from the date of the deposit the person who has made the deposit or his legal representatives may apply to the Corporation for the return of the same and if the charges for gas or electricity or gas and electricity as the case may be which have become due to the Corporation within that time have been paid regularly the Corporation shall return the amount deposited without

PART VIII. —*cont.*

prejudice to their right under this section again to require a deposit to be made :

(5) The Corporation shall pay interest on every sum of ten shillings so deposited at the rate of four pounds per centum per annum for every complete six months during which such deposit remains in their hands :

(6) Where a deposit in respect of a supply of gas or a supply of electricity or a supply of gas and electricity (whether made before or after the commencement of this Order) remains in the hands of the Corporation after the person who made the deposit has ceased to take such a supply and such person or his legal representatives cannot be found after diligent inquiry the Corporation may appropriate the amount of such deposit to the purposes of the gas undertaking or of the electricity undertaking as the case may be and where the deposit was made in respect of supplies of both gas and electricity for the same premises one moiety shall be applied to the purposes of the gas undertaking and the other moiety to the purposes of the electricity undertaking Provided that in the event of such deposit being thereafter claimed by any person the Corporation may on being satisfied of his legal title pay over such deposit to such person without interest thereon or may require the claim to be established :

(7) The provisions of the Gasworks Clauses Act 1871 and of the schedule to the Electric Lighting (Clauses) Act 1899 where inconsistent with the provisions of this section shall not apply :

(8) Nothing in this section contained shall apply to any railway company.

Fractional parts of a penny in accounts.

256. In calculating and collecting charges for gas electricity rates and other amounts payable to the Corporation any fractional part of a penny less than a halfpenny on the amount of such charges shall not be reckoned as part of such amount and any fractional part of a penny amounting to or exceeding a halfpenny shall be reckoned in such amount as one penny.

PART VIII. —*cont.*

Upkeep of public halls.

257. In the event of there being any deficiency of revenue in any year in the accounts of the Adam Smith Hall and Beveridge Hall the Philp Memorial Hall the Pathhead Hall the Normand Memorial Hall the Relief Street Hall and any other hall acquired or to be acquired by the Corporation as part of the common good or held or to be held by the Corporation as a bequest or charity under its administration the Corporation may fix and determine the amount of such deficiency to be met out of rates and thereafter a sum equal to the said deficiency shall subject to the provisions of this Order be included in the annual estimates of the Corporation for the year following :

Provided that—

(*a*) Any deficiency shall be separately shown in the accounts of the Corporation in respect of each hall;

(*b*) The amount provided from the burgh rates in any year for the purposes of this section shall not exceed the produce of one penny in the pound on the gross annual value of the burgh;

(*c*) Any amounts provided from rates in accordance with this section shall be shown as contingent liabilities in the accounts of the hall or halls concerned until repayment is made out of any future surpluses which may emerge.

Proof of debt in bankruptcy.

258. If any person against whom the Corporation have any claim or demand becomes bankrupt the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation and act in their behalf in all respects as if such claim had been the claim or demand of the town clerk and not of the Corporation.

PART IX.

MISCELLANEOUS.

Corporate name.

259. The Corporation shall continue to be designated by the corporate name of "the royal burgh of Kirkcaldy."

PART IX. —*cont.*

Construction of deeds &c.

260. All deeds instruments or other writs affecting property belonging to the Corporation granted and executed prior to the commencement of this Order shall where not so expressed be deemed to have been and shall be held and construed as if such deeds instruments or other writs had been granted and executed to and in favour and in name of "the royal burgh of Kirkcaldy."

Regulation of office of town clerk.

261.—(1) Every person appointed by the Corporation to the office of town clerk shall hold office during the pleasure of the Corporation or during such periods as may be fixed in any agreement made or to be made between the Corporation and such person and upon such terms and conditions as the Corporation may from time to time determine and shall be paid for his personal services and in respect of the duties devolving upon him by virtue of his office or under any resolution of the Corporation a salary to be fixed by the Corporation and such salary may from time to time be raised or reduced by and at the pleasure of the Corporation.

(2) A person appointed to the office of town clerk shall not be removed from office except by the votes of not less than two-thirds of those members of the Corporation who shall be 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 the date of such meeting.

(3) All fees and emoluments pertaining to the office of town clerk or claimable in respect of the duties which any town clerk may perform shall be charged collected and accounted for as hereinafter provided.

(4) The Corporation may require the town clerk to act as law agent parliamentary solicitor clerk and secretary of the Corporation or in any one or more of such capacities in relation to all or such parts of the business of the Corporation and of all or any trusts boards or commissions now existing or which may hereafter be created in connection with the Corporation or in which the Corporation may be interested as they think proper from time to time to entrust to such town clerk or the Corporation may appoint other persons to act in any of such capacities or to perform all or any part of such business.

PART IX. —*cont.*

(5) All fees and emoluments payable (unless it should be otherwise resolved by the Corporation) for the services of the town clerk as such law agent parliamentary solicitor clerk or secretary or payable in respect of the services of any deputy or assistant town clerks and other persons employed on the establishment and staff of the town clerk's office shall be charged collected accounted for and applied as hereinafter provided.

(6) A person appointed to the office of town clerk shall not without the permission of the Corporation undertake or discharge any other business or duties and every person so appointed shall devote his whole time to the service of the Corporation.

(7) The town clerk shall subject to such regulations as the Corporation may from time to time make have the management direction and control of the town clerk's department and the staff thereof and may from time to time appoint and suspend and subject to the approval of the Corporation dismiss any person employed in the said department.

(8) The town clerk may also subject to the approval of the Corporation appoint such number of deputy or assistant town clerks as the Corporation may from time to time determine.

(9) The salaries to be paid to the deputy or assistant town clerks and other persons employed in the said department shall be fixed by the Corporation.

(10) The town chamberlain or other person to be appointed by the Corporation shall be treasurer of a fund to be called " the town clerk's fee fund " which shall be under the control and management of the Corporation and all fees and emoluments pertaining to the office of town clerk and all the fees and emoluments referred to in subsection (3) of this section and also all costs charges and disbursements recoverable from third parties and recovered shall be charged and collected by the town clerk or other person to be appointed by the Corporation for that purpose and shall be paid over to such treasurer all at such times and in such manner as the Corporation may from time to time determine and shall be placed to the credit of the said fee fund Provided always that it shall not be necessary unless the Corporation otherwise resolve to make out accounts

PART IX. —*cont.*

for or recover any fees or emoluments which may be payable by the Corporation.

(11) The town chamberlain or other such person shall apply the moneys of the said fee fund in paying the salaries of the town clerk the deputy or assistant town clerks and the other persons employed on the establishment or staff of the department and all disbursements and payments made or incurred in connection with and for the proper equipment of the department and if the same be insufficient the Corporation shall allocate the deficiency against all or any of their several funds and assessments as they think proper but if there be any surplus of the said fee fund in any year after satisfying the said purposes and the other purposes of this section such surplus shall be placed to the credit of such of the funds departments and assessments of the Corporation as they think proper.

Loanwells Green and St. Mary's Green.

262. Subject to the provisions of this Order Loanwells Green and St. Mary's Green as they exist at the commencement of this Order shall continue vested in the Corporation and be held by them for the use of the public as drying grounds and for bleaching purposes Provided that the Corporation are hereby empowered to sell to Barry Ostlere and Shepherd Limited linoleum manufacturers Kirkcaldy freed and disburdened from all servitudes of drying and bleaching in on or over the same that portion of the Loanwells Green described in the Fifteenth Schedule to this Order and delineated on the plan deposited at the Scottish Office in relation thereto and that at such price and subject to such terms and conditions as to the Corporation may seem fit.

Esplanade and Strand at Pathhead Sands to be kept as open spaces.

263. The Esplanade and the Strand of the seashore above high-water mark of ordinary spring tides at Pathhead Sands and waste ground adjoining the said strand shall continue vested in the Corporation and shall continue to be kept as open spaces for public resort and recreation.

Byelaws for preserving amenity of seashore and strand.

264. The powers to make byelaws conferred on the Corporation by section 303 of the Burgh Police (Scotland) Act 1892 shall apply to making byelaws for all or any of the following purposes (that is to say):—

For regulating or preventing the putting into the waters of the Forth within half a mile of

low-water mark where it forms the boundary of the burgh the solid refuse of any manufactory or any rubbish cork dust or other waste matter : PART IX. —*cont.*

Provided that—

(1) No byelaw made under the provisions of this section shall come into operation until the consent of the Board of Trade has first been obtained;

(2) The Board of Trade may by order signed by a secretary an under-secretary or an assistant secretary of the Board revoke any such byelaw; and

(3) Before consenting to or revoking any such byelaw the Board of Trade may make such inquiry (if any) as the Board consider necessary and the expenses of such inquiry shall be defrayed by the Corporation.

Markets and fairs.

265.—(1) It shall be lawful for the Corporation to purchase by agreement and abolish all markets or fairs or rights of markets or fairs within the burgh and privileges of drawing dues or charges from persons frequenting such markets or fairs held by any person or corporation.

(2) Subject and without prejudice to any rights of market or fair exclusive or otherwise legally vested in any person or corporation the Corporation shall have the following powers and duties with respect to markets and fairs (namely):—

(*a*) They may maintain and from time to time regulate the present and future markets and fairs in the burgh in such manner as they from time to time think proper :

(*b*) They may from time to time hold in the burgh and market places and market houses and fair grounds as they from time to time think fit markets and fairs for the sale of any commodities and animals :

(*c*) They may from time to time on any lands for the time being belonging to them provide and maintain market places market houses and fair grounds with such rooms and conveniences

PART IX. —*cont.*

for public and other purposes and such buildings erections works and conveniences and such approaches thereto as they think fit:

(*d*) They may from time to time appoint for the markets and pleasure fairs held in the streets any market places or fair grounds in the burgh and may prohibit and prevent the holding thereof in any street or other public place or in any place other than the places or grounds so appointed and may remove the markets and pleasure fairs to those places and grounds and if after such removal any person places in any street any stall booth standing or like erection or convenience for the sale or exposure for sale of any marketable or other commodity or exposes for sale in any street any marketable or other commodity he shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

(3) Notwithstanding anything in this Order contained before the Corporation remove or abolish any market or fair or alter the day for holding any market or fair they shall give at least one month's public notice by advertisement in one or more newspapers circulating in the burgh and a declaration by the town clerk to the effect that such public notice has been given in accordance with this section shall be received as prima facie evidence of the facts thereby declared.

Amendment of rule 3 of constitution and rules of Prime Gilt Box Society.

266. After the commencement of this Order section two of rule three of the constitution and rules of the Prime Gilt Box Society of Kirkcaldy shall be read and construed as if for the words from "therein" to the end of the section there were substituted the words "therein or who have resided or shall hereafter reside "for three years successively within the burgh of Kirk- "caldy as defined by the Kirkcaldy Corporation Order "1939 their widows and families."

Nuisance by dogs.

267. Any person in charge of a dog in any street and having the dog on a lead who shall allow or permit such dog to deposit its excrement upon a footway shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding forty shillings.

PART IX. —*cont.*

As to vesting of property transferred to Corporation.

268. All property transferred to or vested in the Corporation by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notice of title or notarial instrument 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 this Order by expeding a notice of title notarial instrument or otherwise 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.

Dwelling-houses for persons in Corporation's employment.

269.—(1) The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Applications to court in case of difficulty.

270. Whenever it has from a failure to observe any of the provisions of this Order or from any other cause become impossible to proceed with the execution of this Order or any part thereof or whenever difficulty or dubiety exists as to the procedure to be followed in any case it shall be lawful for the Corporation or any seven electors to present a petition in manner provided by section 17 of the Burgh Police (Scotland) Act 1892 and the same procedure shall follow upon the said petition and the court to whom the same is presented shall have the same powers as are provided by the said section in regard to applications presented thereunder.

Form and service of notices.

271. Sections 336 and 337 of the Burgh Police (Scotland) Act 1892 shall mutatis mutandis apply to any notice order resolution declaration requisition demand or other proceeding made or given under this Order by the Corporation.

As to penalties and recovery thereof.

272. All proceedings for the recovery of penalties imposed or authorised to be imposed for offences against this Order and in respect of which no other provision is made shall be proceeded with and be conducted under and in conformity with the Summary Jurisdiction (Scotland) Acts.

PART IX. —*cont.*

Repeal of Acts &c.

273. Subject to the provisions of this Order the Acts and Orders specified in the Sixteenth Schedule to this Order are (so far as not already repealed) hereby repealed to the extent indicated in the third column of that schedule.

Saving from effect of repeal.

274.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

(*a*) All property vested in the Corporation at the commencement of this Order whether as part of the common good or for the purpose of any department of the Corporation to which the provisions of this Order apply shall continue vested in the Corporation 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 deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed;

(*b*) All existing bonds mortgages or other securities made granted payable or created by the Corporation or their authors 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;

(*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 the execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by or against the Corporation as if the Act confirming this Order had not been passed;

(*d*) All existing byelaws rules regulations orders and licences in execution of or in relation to any of the repealed Acts shall continue in

PART IX. —*cont.*

force until repealed altered or revoked under the provisions of this Order 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;

(*e*) All 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 provisions 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 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;

(*g*) All plans sections and books of reference and all corrections and certificates of correction thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed;

(*h*) Any agreement or document relating to the provisions of any of the repealed enactments which are re-enacted in this Order shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Order.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889. 52 & 53 Vict. c. 63.

Inquiries by Minister.

275.—(1) The Minister of Transport may cause to be held such local inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Order.

(2) Where the Minister causes an inquiry to be held under subsection (1) of this section or is required to hold an inquiry under any other provision of this Order

PART IX. —*cont.*

the following subsections of this section shall apply thereto.

(3) For the purpose of any such inquiry the person appointed to hold the inquiry may require any person to attend to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry and may take evidence on oath and for that purpose administer oaths or may instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that—

(*a*) no person shall be required to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him; and

(*b*) nothing in this section shall empower the person holding the inquiry to require the production of the title or any instrument relating to the title of any land not being the property of the Corporation.

(4) Every person who refuses or wilfully neglects to attend when required to do so in pursuance of this section or to give evidence or who wilfully alters suppresses conceals destroys or refuses to produce any book or other document which he may be required to produce for the purposes of this section shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(5) Where the Minister causes any such inquiry to be held the costs and expenses incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by the Corporation or party to the inquiry as the Minister may direct and he may certify the amount of the costs and expenses so incurred and any amount so certified and directed by the Minister to be paid by the Corporation or person shall be recoverable from the Corporation or person as a debt to the Crown.

(6) The Minister may make orders as to the costs and expenses of the parties to any such inquiry and

as to the parties by whom such costs and expenses shall be paid. PART IX. —*cont.*

Works below high-water mark not to be constructed without consent of Board of Trade.

276. The Corporation or any other body or person shall not under the powers of this Order construct 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 any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under-secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable accordingly.

Crown rights.

277. 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 Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

PART IX. —*cont.*

Survey of works by Board of Trade.

278. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of 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 be recoverable accordingly.

Abatement of work abandoned or decayed.

279. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly.

Saving rights of magistrates and town council of Kirkcaldy.

280. Subject to the powers and provisions of this Order nothing herein contained shall extend or be construed to extend to take away impeach diminish or waive any rights titles dues duties and payments powers privileges jurisdictions or authorities which now belong to and are enjoyed by the magistrates and town council of the burgh or by the said magistrates or any one of them by virtue of the rights and charters of the burgh or of immemorial usage or any of them.

Arbitration.

281. Where any matter is by this Order directed to be determined by arbitration such matter shall except where otherwise expressly provided be determined by an arbiter to be agreed upon between the parties or failing agreement to be nominated by the sheriff on the application of either party.

Power to certain persons to grant servitudes &c.

282. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of 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 any of the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu-duties and ground annuals so far as the same are

applicable in this behalf shall extend and apply to such servitudes rights and privileges respectively. PART IX. —*cont.*

283. Nothing in this Order contained shall extend or be deemed or construed to extend the area of supply defined by the section of this Order the marginal note of which is "Area of supply" nor shall anything in this Order or in the Fife Electric Power Acts 1903 and 1930 as read with this Order be deemed or construed to prejudice or affect the rights and powers of the Fife Electric Power Company under the said Acts of 1903 and 1930 or under the Fife Electricity Orders 1911 to 1929 or the Cowdenbeath Lochgelly and District Electricity Orders 1910 and 1929 for and in relation to the supply of electricity within the added areas. For protection of Fife Electric Power Company.

284. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed for that purpose which moneys the Corporation are hereby authorised to borrow in manner provided by and subject to the provisions of this Order Provided that any moneys borrowed by the Corporation for the purposes of this section shall be repaid within five years from the commencement of this Order. Costs of Order.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

Description of Added Areas.

(Referred to in the section of this Order of which the marginal note is "Extension of boundaries.")

Area 1.

Commencing at a point on the east side of the London and North Eastern Railway Company's bridge over the road from Kinghorn to Kirkcaldy in the parish of Kinghorn in the county of Fife proceeding in a westerly direction to a point 820 yards along the centre line of the Tyrie Burn thence in a straight line in a north-north-westerly direction to a point where the boundary of the existing burgh crosses the Tiel Burn thence in an irregular line in a south-easterly direction along the said boundary to a point 233 yards north of the Invertiel Road and thence in a southerly direction along the east side of the London and North Eastern Railway to the point of commencement.

All in the parishes of Kinghorn and Kirkcaldy and Dysart in the county of Fife.

Area 2.

Commencing at a point in the parish of Kirkcaldy and Dysart in the county of Fife on the boundary of the existing burgh 215 yards north-east of the eastmost point of Raith Lake proceeding for a distance of 403 yards in a north-westerly direction to a point on the boundary of the existing burgh thence in a south-easterly direction along the boundary of the existing burgh on the east side of Long Braes Plantation and thence in a south-westerly direction along the boundary of the existing burgh to the point of commencement.

All in the parish of Kirkcaldy and Dysart in the county of Fife.

Area 3.

Commencing at a point on the centre of the road from Kirkcaldy to Lochgelly in the parish of Kirkcaldy and Dysart in the county of Fife 27 yards north-west of the west boundary

1ST SCH. —*cont.*

of the Sauchenbush Quarry thence in a northerly direction to the eastmost corner of Bogie Mains farm buildings thence in a northerly direction to a point on Chapel Burn 810 yards measured in a westerly direction along the centre line of the said burn from the centre of the road from Cluny to Kirkcaldy near Templehall thence in a northerly direction to a point on the north boundary of the road from Cluny to Kirkcaldy 630 yards west of the west boundary of Muttonhall Cottages thence in the same straight line to a point 67 yards north of the north boundary of the said last mentioned road thence in a straight line due east to a point 107 yards west of the west boundary of the access road to Dunnikier Home Farm from the road from Gallatown to Chapel thence in a straight line due north to a point 105 yards north of the north boundary of Begg Moss Plantation thence in a straight line in an easterly direction to a point 800 yards due north of the north-east corner of Natural Wood thence due south to the north-east corner of the said wood thence in an irregular line in a south-easterly direction along the boundary of the existing burgh to the south-east corner of the said wood thence in an irregular line in a south-westerly direction along the boundary of the existing burgh to a point on the north side of Oswald Road 552 yards to the south-west of the lodge at the entrance to Dunnikier House and thence in a straight line in a south-westerly direction to the point of commencement.

All in the parishes of Auchterderran and Kirkcaldy and Dysart in the county of Fife.

AREA 4.

Commencing at a point in the parish of Kirkcaldy and Dysart in the county of Fife on the boundary of the existing burgh at the north-east corner of Natural Wood proceeding for a distance of 800 yards in a straight line due north thence in a straight line in an easterly direction for a distance of 847 yards to a point 87 yards north of the north side of the access road from Redhouse to Begg Farm thence in a straight line in a northerly direction to a point 103 yards due west of the most southerly point of Inverore House thence in a straight line in a north-easterly direction along the boundary fence of Easter Balbeggie farm steading thence in a north-by-westerly direction along the east boundary fence of the said farm steading to a point 35 yards due east of the north-east corner of Easter Balbeggie farm buildings thence in a straight line in an east-by-northerly direction to a point on the west boundary of Railway Strip 200 yards south in a straight line from the north-west corner of the said strip thence in a southerly direction along its west boundary to the south-west corner of the said strip thence in a straight line in a south-easterly direction to a point on the west boundary of the London and North Eastern Railway

1st Sch. —*cont.*

630 yards north from a point where the north side of Randolph Road crosses the said railway thence in an irregular line in a southerly direction along the west boundary of the said railway to a point where the said railway crosses the boundary of the existing burgh thence in a straight line in a north-westerly direction along the boundary of the existing burgh to a point in the road from Kirkcaldy to Cupar 41 yards south of the southern boundary of the property known as Myregornie thence in a straight line in a south-westerly direction along the boundary of the existing burgh to a point 66 yards north of the Oswald Road and 167 yards west of the St. Clairtown Pottery thence in a north-north-westerly direction to a point on the Occupation Road leading from Carberry to Mitchelston 200 yards west of the centre of the road from Mitchelston to West Gallatown and thence in an irregular line along the said Occupation Road to the point of commencement.

All in the parish of Kirkcaldy and Dysart in the county of Fife.

Area 5.

Commencing at a point in the parish of Kirkcaldy and Dysart in the county of Fife where the boundary of the existing burgh crosses the western boundary of the London and North-Eastern Railway and proceeding along the western boundary of the said railway to a point 630 yards north of the point where the northern side of Randolph Road crosses the western boundary of the said railway thence in an east-south-easterly direction to a point in the centre of the road from Kirkcaldy to St. Andrews 407 yards north of the north side of the North Lodge of Wemyss Estate thence in the same line to a point 120 yards from the centre of the road from Kirkcaldy to St. Andrews thence in a straight line in a south-south-easterly direction to a point in the low-water mark of ordinary spring tides where the most easterly boundary of the existing burgh begins and thence in a north-westerly direction along the boundary of the existing burgh to the point of commencement.

All in the parishes of Wemyss and Kirkcaldy and Dysart in the county of Fife.

THE SECOND SCHEDULE.

(Referred to in the sections of this Order of which the marginal notes are "Extension of boundaries" and "Map of burgh.")

DESCRIPTION OF BOUNDARIES OF EXTENDED BURGH.

Commencing at a point in the low-water mark of ordinary spring tides 552 yards from where the road from Kinghorn to Kirkcaldy crosses the London and North Eastern Railway thence in a straight line in a south-westerly direction to the eastern side of the said railway on the said road thence in a westerly direction along the centre of the Tyrie Burn for a distance of 820 yards thence in a straight line in a north-north-westerly direction to a point where the boundary of the existing burgh crosses the Tiel Burn thence in an irregular line along the boundary of the existing burgh to the road from Dunfermline to Kirkcaldy thence in a northerly direction for a distance of 50 yards thence in an irregular line in an easterly direction along the southern boundary of Raith Lake to its eastmost boundary thence in a straight line in a north-easterly direction for a distance of 215 yards thence in a straight line in a north-westerly direction for a distance of 403 yards to a point on the boundary of the existing burgh thence in an irregular line along the boundary of the existing burgh on the eastmost side of Long Braes Plantation to a point on the road from Lochgelly to Kirkcaldy 27 yards to the north-west of the west boundary of Sauchenbush Quarry thence in a northerly direction to the eastmost corner of Bogie Mains farm buildings thence in a northerly direction to a point on the Chapel Burn 810 yards measured in a westerly direction along the centre line of the said burn from the centre of the road from Cluny to Kirkcaldy near Templehall thence in a northerly direction to a point on the north boundary of the road from Cluny to Kirkcaldy 630 yards west of the west boundary of Muttonhall Cottages thence in the same straight line to a point 67 yards north of the north boundary of the said last mentioned road thence in a straight line due east to a point 107 yards west of the west boundary of the access road to Dunnikier Home Farm from the road from Gallatown to Chapel thence in a straight line due north to a point 105 yards north of the north boundary of Begg Moss Plantation thence in a straight line in an easterly direction to a point 800 yards due north of the north-east corner of Natural Wood thence in the same straight line for a distance of 847 yards to a point 87 yards north of the north side of the access road from Redhouse to Begg Farm thence in a straight line in a northerly direction

2ND SCH. —*cont.*

to a point 103 yards due west of the most southerly point of Inverore House thence in a straight line in a north-easterly direction along the boundary fence of Easter Balbeggie Farm steading thence in a north-by-westerly direction along the east boundary fence of the said farm steading to a point 35 yards due east of the north-east corner of Easter Balbeggie Farm buildings thence in a straight line in an east-by-northerly direction to a point on the west boundary of Railway Strip 200 yards south in a straight line from the north-west corner of the said strip thence in a southerly direction along its west boundary to the south-west corner of the said strip thence in a straight line in a south-easterly direction to a point on the west boundary of the London and North Eastern Railway 630 yards north from a point where the north side of Randolph Road crosses the said railway continuing in the same direction to a point in the centre of the road from Kirkcaldy to St. Andrews 407 yards north of the north side of the North Lodge of Wemyss Estate thence in the same line to a point 120 yards from the centre of the road from Kirkcaldy to St. Andrews thence in a straight line in a south-south-easterly direction to a point in the low-water mark of ordinary spring tides where the most easterly boundary of the existing burgh begins thence along the line of low-water mark of ordinary spring tides to the East Pier thence in a southerly direction to the southern extremity of the said pier thence north-westwards across the mouth of the harbour to the south side of the South Pier thence along the southern side of the South Pier to the low-water mark of ordinary spring tides and thence along the line of the said low-water mark to the point of commencement.

All the said boundaries are in the parishes of Kirkcaldy and Dysart Wemyss Kinghorn and Auchterderran in the county of Fife.

THE THIRD SCHEDULE.

DESCRIPTION OF WARDS.

(Referred to in the section of this Order of which the marginal note is "Added areas and wards of burgh.")

FIRST WARD.

Commencing at a point in the low-water mark of ordinary spring tides 552 yards from where the road from Kinghorn to Kirkcaldy crosses the London and North Eastern Railway thence in a south-westerly direction to the eastern side of the

3rd Sch., —*cont.*

said railway on the said road thence in a westerly direction along the centre of Tyrie Burn for a distance of 820 yards thence in a straight line in a north-westerly direction to a point where the boundary of the existing burgh crosses the Tiel Burn thence in an irregular line along the boundary of the existing burgh to the road from Dunfermline to Kirkcaldy thence in a northerly direction for a distance of 50 yards thence in an irregular line in an easterly direction along the southern boundary of Raith Lake to its easternmost boundary thence in a straight line in a north easterly direction for a distance of 215 yards thence in a straight line in a north-westerly direction for a distance of 403 yards to a point on the boundary of the existing burgh thence in an irregular line along the boundary of the existing burgh on the eastmost side of Long Braes Plantation to a point on road from Lochgelly to Kirkcaldy 27 yards to the north-west of the western boundary of Sauchenbush Quarry thence in a south-easterly and easterly direction along the centre of the said last mentioned road to its junction with Victoria Road thence along the centre of Bennochy Road and Wemyssfield to its junction with East Fergus Place thence along the centre of Whytescauseway to its junction with High Street thence in a northerly direction along the centre of High Street to its junction with Rose Street thence in a south-easterly direction along the centre of Rose Street to a point in low-water mark of ordinary spring tides 227 yards south-east from the building line of the Esplanade at the foot of Rose Street and thence along the line of low-water mark of ordinary spring tides in a southerly direction to the point of commencement.

Second Ward.

Commencing at a point in the low-water mark of ordinary spring tides 227 yards south-east from the building line of the Esplanade at the foot of Rose Street and proceeding along the northern boundary of the First Ward as before described to the point on the road from Lochgelly to Kirkcaldy 27 yards north-west of Sauchenbush Quarry thence in a northerly direction to the eastmost corner of Bogie Mains farm buildings thence in a northerly direction to a point in the centre line of Chapel Burn 810 yards west along the centre line of the said burn from the centre of the road from Cluny to Kirkcaldy thence in a straight line in a northerly direction to a point on the north side of the road from Cluny to Kirkcaldy 630 yards west of the west boundary of Muttonhall Cottages thence in the same straight line to a point 67 yards north of the north boundary of the said last mentioned road thence in a straight line due east to a point 107 yards west of the west boundary of the access road to Dunnikier Home Farm from the road from Gallatown to Chapel thence in a straight line due north to a point 105 yards north of the

3RD SCH. —*cont.*

north boundary of Begg Moss Plantation thence in a straight line in an easterly direction to a point 800 yards due north of the north-east corner of Natural Wood thence due south to the north-east corner of the said wood thence in an irregular line in a south-easterly direction along the boundary of the existing burgh to the south-east corner of the said wood thence in a southerly direction in an irregular line along the course of the East Burn to a point at south of Holmes Maltings thence in a south-easterly direction to a point in low-water mark of ordinary spring tides 290 yards south-east of the southern boundary of the said Maltings thence in a southerly direction along the line of low-water mark of ordinary spring tides to the East Pier thence in a southerly direction to southern extremity of the said pier thence north-westwards across the mouth of the harbour to the south-side of the South Pier thence along the southern side of the South Pier to the low-water mark of ordinary spring tides and thence along the line of the said low-water mark to the point of commencement.

THIRD WARD.

Commencing at a point in the low-water mark of ordinary spring tides 290 yards from the southern boundary of Holmes Maltings and proceeding along the eastern boundary of the Second Ward as before described from the said point to the point 800 yards due north of the north-east corner of Natural Wood thence in an easterly direction in a straight line to a point 87 yards north of the north side of the access road from the property known as Redhouse to Begg Farm and 87 yards west of the centre of the road from Kirkcaldy to Cupar thence in a straight line in a northerly direction to a point 103 yards due west of the most southerly point of Inverore House thence in a straight line in a north-easterly direction along the boundary fence of Easter Balbeggie Farm steading thence in a northerly direction along the east boundary fence of the said farm steading to a point 35 yards due east of the north-east corner of Easter Balbeggie Farm buildings thence in a straight line in an easterly direction to a point on the west boundary of Railway Strip 220 yards south in a straight line from the north-west corner of the said strip thence in a southerly direction along its western boundary to the south-west corner of the said strip thence in a straight line in a south-easterly direction to a point on the west boundary of the London and North Eastern Railway 630 yards north from a point where the north side of Randolph Road crosses the said railway thence in an irregular line in a southerly direction along the western boundary of the said railway to a point where the said railway crosses the boundary of the existing burgh thence in a southerly south-westerly and westerly direction along the west and north sides of the London and North-Eastern

3RD SCH. —*cont.*

Railway to the bridge over the said railway at Church Street thence in a straight line in a southerly direction to a point on the low-water mark of ordinary spring tides 217 yards from Dovecot in Ravenscraig Park and thence in a south-westerly direction along the low-water mark to the point of commencement.

FOURTH WARD.

Commencing at a point in the low-water mark of ordinary spring tides 217 yards south of the Dovecot in Ravenscraig Park in line with the bridge over the London and North Eastern Railway at Church Street proceeding along the eastern boundary of the Third Ward as before described to the point on the west side of the London and North Eastern Railway 630 yards north of the point where Randolph Road crosses the said railway thence in a straight line in a south-easterly direction to a point in the centre of the road from Kirkcaldy to St. Andrews 407 yards north of the north side of the north lodge of Wemyss Estate thence in the same straight line to a point 120 yards from the centre of the road from Kirkcaldy to St. Andrews thence in a straight line in a south south-easterly direction to a point in the low-water mark of ordinary spring tides where the most easterly boundary of the existing burgh begins and thence in a south-westerly direction along the said low-water mark to the point of commencement.

THE FOURTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Gasworks &c.")

PART I.

The following lands situated within the burgh of Kirkcaldy (viz.):—

1. That piece of ground bounded on the north by School Wynd on the south by Gas Wynd on the east by the Esplanade and on the west by Links Street.
2. That piece of ground bounded on the north by property belonging or reputed to belong to Mrs. Marianne Reynolds Heggie or Melville on the south by School Wynd on the east by the Esplanade and on the west by property belonging or reputed to belong to N. Lockhart and Sons Limited.

4TH SCH. —*cont.*

3. That piece of ground bounded on the north-west by Victoria Road on the south-east partly by the burial ground of Dunnikier partly by property belonging or reputed to belong to Andrew Philp partly by property belonging or reputed to belong to the Trustees of the Pathhead Evangelical Union Congregational Church and partly by property belonging or reputed to belong to Michael Nairn and Company Limited on the north-east by Mitchell Place and on the south-west by other property belonging or reputed to belong to Michael Nairn and Company Limited.

4. That piece of ground (of not more than a quarter of an acre in extent) situated at the foot of the Pipers Braes Dysart and bounded on the north south and west by the said Pipers Braes and on the east by the high-water mark of ordinary spring tides.

PART II.

That piece of ground situated within the burgh of Kirkcaldy bounded on the north by property belonging to the corporation of Kirkcaldy on the south partly by Victoria Street Dysart and partly by other property belonging to the corporation of Kirkcaldy on the east by Nether Street Dysart and on the west by other property belonging to the corporation of Kirkcaldy.

PART III.

That piece of ground at Thornton in the county of Fife bounded on the north by property belonging or reputed to belong to Buchanan & Co. (Wagons) Limited (the solum of an unmade road twenty-five feet in width intervening) on the south and west by property belonging or reputed to belong to John Wilkie and on the east by the high road from Kirkcaldy to Cupar.

THE FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Generating station lands.")

That triangular area or piece of ground within the burgh of Kirkcaldy bounded on the north by the Kirkcaldy Harbour branch railway on the south by Victoria Road and on the west by property belonging or reputed to belong to George Smith and Sons Builders.

THE SIXTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Power to levy harbour rates.")

I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR OF KIRKCALDY.

	s.	*d.*
All vessels from Asia or Africa to the east of the Cape of Good Hope including the Cape or from South America - - - - - - per ton register	1	0
From the West Indies West Coast of Africa Cape de Verde Islands Greenland and Davis' Straits Fisheries - - - - - - per ton register	0	10
From within the Straits of Gibraltar or North America per ton register	0	10
From the Baltic above the Sound Archangel Portugal France and Spain without the Straits of Gibraltar Newfoundland Madeira and Western Islands per ton register	0	8
From Norway Sweden Denmark Holstein Hamburg Bremen Holland Flanders that is without the Baltic and no further south than Dunkirk per ton register	0	7
From ports in the United Kingdom and Eire per ton register	0	6
All steam vessels carrying goods and passengers per ton register	0	4
All steam vessels from ports in the Firth of Forth as far as Anstruther on the north and North Berwick on the south carrying passengers and their luggage exclusively - - - - - per gross ton	0	2
All lighters from any vessel in the roads shall be exempted from rates but if the vessels do not enter the harbour every lighter shall pay for each trip per ton register	0	2
All boats entirely open landing or taking on board goods or dried or salted fish - - - - - each	1	6
All drave or large boats entering the harbour with fresh fish - - - - - - - - - - each	1	0
All tugs and other trawl fishing vessels and all steam tugs employed in fish trawling on arrival - each	5	0
Steam tugs belonging to the port or regularly frequenting it for the privilege of coaling accommodation 8*s.* each per month payable in advance subject to the regulations set out in this Part of this Schedule.		

6TH SCH. —*cont.*

REGULATIONS APPLICABLE TO THE FOREGOING RATES ON VESSELS.

1. All vessels going from the harbour to any port in the Firth of Forth to take in or land any part of a cargo and returning to the harbour shall pay upon their return one penny per ton register.

2. Vessels entering the harbour from stress of weather shall (unless exempted from the payment of rates under the section of this Order the marginal note of which is "Certain fishing vessels under stress of weather exempt from rates") pay half dues but if they shall land or take on board goods (stores for their own use excepted) they shall pay full rates.

3. All vessels or hulls of vessels entering the harbour either for repair or to be fitted out shall pay anchorage dues at the rate of fourpence per ton register.

4. All vessels remaining in the harbour to pay after one month one penny per registered ton per month in advance when they are lying in the harbour and twopence per ton when they are lying in the dock.

5. All vessels going from the harbour to any part in the Firth of Forth or the Firth of Tay to be repaired and returning to the harbour without taking on board goods (necessary stores for the following voyage excepted) shall be exempted from rates.

6. All vessels entering the harbour in ballast to load coastwise coals lime ironstone or street manure only to pay twopence per ton register.

7. Steam tugs not belonging to the port but regularly frequenting it shall mean such tugs coming into the harbour at least three times within any period of a month and such tugs shall be liable in the monthly rate on steam tugs under this Part of this Schedule as from the date of the first arrival which shall be payable before leaving the harbour on the third arrival.

8. All vessels not specially comprehended in this Part of this Schedule and having no nett registered tonnage for entry to the harbour the tonnage rate charged on gross tonnage or in the option of the Corporation - - - - each entry 3*s*.

II.—RATES ON GOODS SHIPPED OR UNSHIPPED AT THE HARBOUR OF KIRKCALDY.

		s.	*d.*
Agricultural implements - - - -	per ton	1	6
Ale and beer in casks - - - - -	per cwt.	0	6
Ale and beer in bottles - - - -	per ton	1	6
Alkali - - - - - - - -	per ton	1	0
Alum - - - - - - - -	per ton	1	0

6TH SCH. —*cont.*

		s.	d.
Apples	per ton	1	0
Ashes—pot pearl weed and wood	per ton	1	6
Asphalt	per ton	1	0
Bacon or ham	per ton	1	8
Barilla	per ton	1	6
Bark	per ton	1	0
Barytes	per ton	1	0
Basket rods	per ton	1	8
Beef or pork	per ton	1	8
Biscuit ship	per ton	1	0
Blacking	per cwt. or 5 cubic feet	0	1½
Bleaching powder	per ton	1	6
Blubber	per ton of 252 gallons	1	3
Boiler composition	per ton	1	0
Bone dust	per ton	1	0
Bones	per ton	1	0
Books and stationery	per ton	2	0
Boots and shoes	per ton	2	0
Bottles	per ton	1	8
Boxes empty	per ton	1	6
Brass	per ton	3	4
Bricks common size	per 1000	1	6
Do. fire and bath	per 1000	2	0
Brimstone refined	per ton	2	0
Do rough	per ton	0	9
Brooms	per dozen	0	1
Butter	per ton	2	0
Candles	per ton	1	6
Cane reeds	per ton	1	6
Carrots	per ton	0	6
Casks (empty) not being returned packages	per cwt.	0	3
Other casks in proportion.			
Cattle :			
Bulls	each	0	6
Cows and oxen	each	0	6
Calves	each	0	3
Horses	each	0	6
Pigs	each	0	1
Sheep	per score	1	0
Lambs	per score	0	6
Asses and mules	each	0	6
Wild animals	each	1	0
Food and feeding stuffs	per ton	0	9
Cement	per ton	1	0
Chalk	per ton	0	6
Cheese	per ton	1	0
Chimney-cans 3 feet high and above	per 100	3	0
Do. under 3 feet high	per 100	2	0

6th Sch. —*cont.*

		s.	*d.*
China ware	per ton	2	6
Chrome ore	per ton	0	6
Cider	per ton	1	6
Cigars	per ton	8	0
Cinders and coke	per ton	0	7
Clay viz. china clay or stone clay	per ton	0	6
Other kinds in proportion.			
Cloth comprehending all fabrics of jute flax tow hemp coir &c. whether pure or mixed such as sheeting linen goods hessians dowlas sailcloth canvas sacking bagging cotton goods floorcloth tarpauling pocketing carpeting &c. and bags and sacks of all kinds	per ton	2	8
Coaches chaises and other four-wheeled carriages	each	7	6
Gigs carts and other two-wheeled carriages	each	5	0
Coals Scotch	per ton	0	2
Coals English-smithy and culm	per ton	0	3½
Cocoanuts	per 100	0	3
Coffee	per ton	1	0
Codilla (see Tow).			
Copper	per ton	3	6
Do. old	per ton	2	6
Do. ore	per ton	0	9
Copperas	per ton	0	8
Coprolites	per ton	0	6
Cordage	per ton	1	6
Corkwood and corks	per ton	3	0
Cork cuttings	per ton	1	0
Corn :			
Barley—bere or big	per ton	0	8¾
Do. pot shelled and pearl	per ton	1	0
Beans	per ton	0	8
Bran	per ton	0	8
Indian corn	per ton	0	7
Malt	per ton	1	1¼
Oats	per ton	1	0¼
Pease	per ton	0	8
Do. split	per ton	1	0
Rye	per ton	0	8¾
Tares	per ton	0	8
Wheat	per ton	0	9
Cotton wool	per ton	2	0
Do. seed	per ton	1	0
Do. waste	per ton	0	10
Crystal	per ton	2	6
Cutch	per ton	1	0

6TH SCH. —*cont.*

		s.	d.
Dissolved bones and other artificial manures not enumerated	per ton	1	0
Dogs	each	0	3
Draff	per quarter	0	0½
Drain pipes	per ton	1	0
Drugs and all merchandise for druggists	per ton	2	0
Dyestuffs not enumerated	per ton	1	6
Earthenware	per ton	1	6
Eggs	per ton	1	0
Envelopes straw (for bottles)	per ton	1	6
Esparto grass	per ton	1	0
Feathers	per ton	5	0
Felt	per ton	1	8
Fibre (cocoanut)	per ton	1	0
Fire clay	per ton	0	6
Fish dried and salted	per ton	1	3
Haddocks cod salmon and all fresh fish not enumerated	per ton	1	0
Flax	per ton	2	3
Flint ground	per ton	0	9
Do. stones	per ton	0	6
Floorcloth (see Cloth).			
Flower roots	per ton of 40 c.f.	2	0
Flour and meal of all kinds	per ton	1	0
Fruit	per ton	1	0
Furniture	per ton	1	6
Gambia	per ton	1	6
Glass window	per ton	1	8
Do. broken	per ton	0	4
Glucose	per ton	1	6
Glue	per ton	1	8
Graphite	per ton	2	0
Gravel	per ton	0	4
Grease	per ton	1	0
Green fruit not enumerated	per ton	2	0
Groceries :			
Almonds figs cinnamon currants pepper pimento plums prunes raisins &c.	per ton	1	0
Guano	per ton	1	0
Gunpowder	per ton	5	0
Gypsum ground	per ton	1	0
Do. unground	per ton	0	9
Haberdashery and clothing comprehending cotton silk flannel and hosiery goods &c.	per ton	2	8
Hair :			
Cow ox bull horse or goats' hair and wool	per ton	3	4
Hardware	per ton	2	6
Hats	per ton	7	6

6TH SCH. —*cont.*

		s.	*d.*
Hay	per ton	1	0
Hemp rough	per ton	2	3
Herrings fresh	per cran of 37½ gallons	0	1½
Do. cured	per cwt.	0	2
Hides and kipps wet	per ton	1	0
Do. dried	per ton	2	0
Honey	per ton	1	0
Hoops of iron	per ton	1	0
Hoops of wood	per ton	1	0
Hops	per ton	2	0
Horns slugs tips and hoofs	per ton	2	6
Household furniture	per ton	4	0
Husbandry utensils	per ton	1	0
Ice	per ton	0	9
India-rubber and gutta-percha goods	per ton	2	0
Indigo	per ton	3	4
Ink	per ton	1	8
Iron :			
Bar bolt and rod	per ton	1	0
Railway bars and chairs	per ton	1	0
Plate sheet and forged	per ton	1	0
Castings	per ton	1	0
Made work including boilers	per ton	1	6
Machinery	per ton	1	6
Cast iron goods commonly called iron-mongery when in bulk	per ton	1	6
Old scrap iron	per ton	0	4
Pig iron	per ton	0	4
Ore	per ton	0	2
Joiner work	per ton	1	6
Junk or old rope	per ton	1	0
Jute	per ton	1	0
Kelp	per ton	0	6
Lard	per ton	1	0
Lead ore	per ton	1	0
Do. pig	per ton	1	6
Do. black red and white	per ton	2	0
Do. shot	per ton	1	6
Do. pipes	per ton	1	6
Leather	per ton	2	0
Lemons	per ton	2	0
Limes	per ton	2	0
Lime	per ton	0	6
Limestone	per ton	0	4
Linseed rape cotton &c. cakes	per ton	1	6
Loam or moulding sand	per ton	0	2
Locust beans	per ton	1	0

6TH SCH. —*cont.*

		s.	d.
Madder	per ton	2	6
Do. roots	per ton	2	0
Manganese	per ton	1	0
Mangold wurtzel	per ton	0	4
Manure street	per ton	0	1
Do. chemical (see Dissolved bones).			
Marble	per ton	1	0
Matches lucifer	per ton of 40 c.f.	1	0
Mats cargo and dunnage	per 100	0	6
Meal (see Flour).			
Metal patent	per ton	3	0
Mill furnishings not enumerated	per ton	1	6
Mill waste	per ton	0	8
Molasses and treacle	per ton	1	0
Moss litter	per ton	0	9
Mouldings	per ton	1	0
Musical instruments	per ton	7	6
Mussels	per ton	0	9
Naphtha	per ton	2	0
Nitrate of soda	per ton	1	0
Do. potash	per ton	1	0
Nets fishing or other	per ton	1	6
Nuts not enumerated	per ton	1	0
Oakum or old junk	per ton	1	0
Ochre	per ton	1	0
Oils	per ton	2	0
Onions	per ton	1	0
Oranges	per ton	2	0
Ores	per ton	0	9
Oysters	per ton	1	0
Paints not enumerated	per ton	2	0
Paper	per ton	2	0
Do. pulp	per ton	0	9
Passengers' luggage if under 5 cwt. free if above	per ton	4	0
Pears	per ton	1	6
Peats	per ton	0	6
Peel orange lemon &c.	per ton	2	0
Petroleum	per ton	1	0
Pewter	per ton	1	6
Phosphates mineral	per ton	1	0
Pitch	per cwt.	0	2½
Plants of trees or shrubs	per ton of 40 c.f.	1	0
Plants	per ton	1	0
Plaster of Paris	per ton	1	0
Porter in casks	per ton	1	6
Do. in bottles	per ton	1	6
Potatoes	per ton	0	5

6th Sch. —*cont.*

	s.	*d.*
Poultry including pigeons game &c. - - per doz.	0	2
Any less quantity - - - - - -	0	1
Pulp of wood - - - - - per ton	1	0
Pumice stones - - - - - - per ton	1	6
Pyrites - - - - - - - per ton	1	0
Quills undressed - - - - - per ton	1	6
Rabbits hares &c. - - - - - per ton	3	4
Rags linen - - - - - - per ton	1	0
Other rags old ropes old or waste paper &c. - - - - - - - per ton	0	8
Rape cakes (see Linseed).		
Rice - - - - - - - - per ton	1	0
Resin - - - - - - - per ton	1	8
Residuum of bleachers - - - - per ton	0	3
Rope - - - - - - - per ton	1	6
Sacks - - - - - - - per ton	1	6
Saddlery not enumerated - - - - per ton	2	6
Salt rock (white and agricultural) - - per ton	0	8
Saltpetre - - - - - - - per ton	2	6
Sand - - - - - - - per ton	0	1
Sawdust - - - - - - - per ton	0	9
Seeds of all kinds except those for crushing - per ton	1	6
Seeds for crushing - - - - - per ton	1	0
Shumach - - - - - - - per ton	1	6
Skins untanned :		
Calf wet - - - - - - per ton	1	0
Do. dried - - - - - - per ton	2	0
Sheep - - - - - - per score	0	3
Deer - - - - - - - per score	0	10
Kid - - - - - - - per score	0	4
Lamb - - - - - - - per score	0	3
Seal - - - - - - - per score	0	3
Sheep dressed - - - - - per ton	2	0
Hare and rabbit - - - - - per score	0	1
Screws - - - - - - per ton	0	4
Other skins in proportion to those enumerated.		
Slates undersize - - - - - - per 1200	0	10
Sizeable - - - - - - per 1200	1	3
Oversize - - - - - - per 1200	2	0
Moss and drain slates and slate slabs - per ton	1	6
Slates school and slate pencils - - - per ton	2	6
Snuff - - - - - - - per ton	2	6
Soap - - - - - - - per ton	2	0
Soapers' waste - - - - - - per ton	0	4
Do. salts - - - - - - per ton	0	6
Soda - - - - - - - per ton	1	0
Spermaceti - - - - - - per ton	2	0
Spirits - - - - - - - per ton	3	4

6TH SCH. —*cont.*

		s.	d.
Starch	per ton	2	8
Steel	per ton	2	0
Do. old	per ton	1	0
Stones :			
Ground	per ton	0	9
Rubble freestone	per ton	0	1
Hewn Ashlar freestone	per ton	0	2
Rough Ashlar freestone	per ton	0	1½
Rubble causeway	per ton	0	1
Causeway stones dressed	per ton	0	1½
Pavement	per ton	0	3
Kerb	per ton	0	1½
Gravestones	each	3	0
Scythe stones	per gross	0	4
Grindstones	each	0	2
Millstones common	each	1	6
Do. burr	each	2	6
Straw	per ton	0	10
Stucco	per ton	0	9
Sugar raw and refined	per ton	2	0
Do. moulds	per 100	0	9
Sulphate of ammonia	per ton	1	6
Sulphur	per ton	1	6
Tallow	per ton	2	0
Tanners' waste	per ton	0	8
Tar	per cwt.	0	2½
Tea	per ton	2	6
Thread	per ton	2	8
Tiles common size	per 1000	1	3
Do. drain common size	per 1000	0	9
Others in proportion.			
Tin of all kinds	per ton	3	0
Tinware	per ton	2	0
Tobacco unmanufactured	per ton	4	0
Do. manufactured	per ton	2	6
Do. pipes	per ton	2	6
Tongues smoked or pickled	per doz.	0	1½
Tortoiseshell	per cwt.	0	6
Tow and codilla	per ton	1	8
Toys	per ton of 40 c.f.	1	8
Do.	per ton of 20 cwt.	5	0
Turmeric	per ton	2	6
Turnips	per ton	4	0
Turpentine	per ton	1	8
Twine and twisted yarn	per ton	2	6
Valonia	per ton	2	0
Varnish	per ton	2	8
Vases or sculptured marble	per ton	5	0

6TH SCH. —*cont.*

		s.	*d.*
Vegetables not enumerated - - - -	per ton	1	8
Veneers of all kinds - - - - - -	per ton	5	0
Verdigris - - - - - - -	per ton	2	0
Vermilion - - - - - - -	per cwt.	0	6
Vinegar - - - - - - -	per ton	2	8
Vitriol - - - - - - -	per ton	1	8
Water soda and seltzer - - - -	per ton	2	0
Whalebone dressed and undressed - -	per ton	5	0
Whiting - - - - - - -	per ton	0	6
Willow reeds - - - - - -	per ton	1	8
Wine in casks - - - - - -	per ton	4	0
Do. bottles - - - - - -	per ton	2	0
Wire rope - - - - - - -	per ton	1	6
Wood (viz.) :			
Ash birch elm oak teak and other hard woods in logs	per 50 c.f.	1	0
Pine pitch pine fir deals and deal ends battens &c.	per 50 c.f.	0	9
Wainscot logs and oak or wainscot boards and planks	per 50 c.f.	1	6
Masts and spars (viz.) :			
Spars and rickers under 4 inches diameter	per 60 pieces	1	0
Do. 4 inches diameter and under 6 inches - - - - -	per 60 pieces	1	6
Spars and rickers 6 inches in diameter and above	per 50 c.f.	0	9
Oars and oar rafters - - -	per 120 pieces	1	0
Handspikes boat-hook handles and hoops	per 120 pieces	0	9
Lathwood 4 feet long -	per fathom of 216 c.f.	1	4
Do. 6 feet long -	per fathom of 216 c.f.	2	0
Do. 8 feet long -	per fathom of 216 c.f.	2	8
Firewood - - -	per fathom of 216 c.f.	0	4
Cart-wheel spokes and felloes - -	per 60 pieces	0	4
Treenails and wedges - - -	per 1000 pieces	0	6
Flooring dressed - - - - -	per 50 c.f.	0	9
Delivered by weight :			
Mahogany - - - - - -	per ton	1	6
Barwood boxwood brazilwood camwood ebony fustic lignumvitæ logwood Nicaragua wood red wood sassafras &c. - - -	per ton	2	0
Manufactured (viz.) :			
Doors windows &c. for building and other framed goods - - - - - -	per ton	2	0
Staves :			
American pipe - - - -	per 1000	10	0
Do. single hogshead - -	per 1200	4	0

6TH SCH. —*cont.*

		s.	d.
Wood—*continued.*			
Staves—*continued.*			
American single barrel	per 1200	2	0
Do. hogshead billets	per 1200	6	8
Do. barrel	per 1200	5	4
West India	per 1200	4	0
Brandy	per 1200	16	0
Baltic and Hamburg pipe	per 1200	20	0
Do. do. hogshead	per 1200	13	4
Do. do. best barrel	per 1200	6	8
Do. do. barrel inferior quality	per 1200	3	4
Miscellaneous woods :			
Burnwood	per ton	0	6
Sleepers 9 feet long and 12 inches diameter	per 100	3	6
All others in proportion.			
Pit props not exceeding 4 inches diameter	per 72 lineal feet	0	0¾
Do. all above	per 72 lineal feet	0	1½
Wreck materials to be charged one-half per cent. on the value.			
Wood flour	per ton	0	9
Wool	per ton	1	6
Yarn :			
Flax cotton tow hemp and jute	per ton	2	8
Worsted	per ton	3	4
Yeast	per ton	1	6
Zinc	per ton	1	0

RULES AND REGULATIONS APPLICABLE TO THE ABOVE RATES ON GOODS.

1. The above rates shall be payable by the owners of goods shipped or unshipped within the rating limits.

2. In charging the rates on goods the gross weight or measurement to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

3. Five cubic feet not exceeding two-and-a-half hundredweight to be rated as a barrel bulk but when the weight of five cubic feet is greater than two-and-a-half hundredweight then two-and-a-half hundredweight to be rated as a barrel bulk.

4. The Corporation may demand and take a rate upon all such goods as are not specified in this Part of this schedule equal to the rate for the time being payable in respect of goods of a similar nature package and quality.

6TH SCH. —*cont.*

5. One shilling per ton shall be paid on all machinery boilers and other fittings placed on board of vessels entering the rating limits for repair or to be fitted out and sixpence per ton on all old machinery boilers &c. taken out of such vessels.

6. All goods shipped over side or sent direct from one vessel into another shall pay one-half of the rates above specified but no goods landed or deposited in the sheds or remaining on the quays over night shall be entitled to this exemption.

7. All goods upon which the rates above specified have been paid on being unshipped within the rating limits shall be exempted from payment of rates on being again shipped unless such goods shall have changed owners or undergone some process of manufacture and all grain sold in the stock market upon which the rates shall have been paid shall when shipped within the rating limits be exempted from payment of the above rates.

8. All fresh fish of every description brought into the burgh in small boats for sale exclusively within the burgh and not sold for the purpose of being cured shall be exempted from payment of the above rates.

III.—LIGHT DUES ON VESSELS.

		s.	*d.*
On each vessel entering - - -	per registered ton	0	$0\frac{3}{4}$

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

IV.—RATES ON PASSENGERS.

	s.	*d.*
For any passenger embarking or disembarking within the rating limits any sum not exceeding - - -	0	2

(To be charged against and levied from the vessel or in the option of the Corporation to be levied from each passenger.)

V.—GROUND RENT.

For timber and other goods on all spare ground set apart or let for storing same per superficial square yard of ground per month :—Deals and battens $2d.$ spars $1\frac{1}{2}d.$ square timber $1d.$ other goods $2d.$ per square yard.

All payments per month and in advance.

VI.—RATE FOR SUPPLYING WATER.

		s.	*d.*
Pure and wholesome water - - -	per 25 gallons	0	$1\frac{1}{2}$

THE SEVENTH SCHEDULE.

(Referred to in the sections of the foregoing Order the marginal notes of which are "As to compensation water" and "Saving of agreement with T. F. Hope Bruce of Arnot.")

MINUTE OF AGREEMENT between the WATERWORKS COMMISSIONERS OF KIRKCALDY AND DYSART incorporated by the Kirkcaldy and Dysart Waterworks Act 1867 of the first part (hereinafter called the First Parties) and THOMAS FRANCIS HOPE BRUCE Esquire of ARNOT in the COUNTY of KINROSS of the second part (hereinafter called the Second Party).

WHEREAS the First Parties have made application to the Secretary for Scotland for a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 under the title of the Kirkcaldy and Dysart Waterworks Order 1923 by which Order they seek powers inter alia to enlarge their reservoir on the estate of Arnot to convey away from the estate by means of pipes &c. the whole waters draining into the said reservoir and that no provision is made in said Order for the discharge of compensation water into the Arnot Burn upon which the said reservoir is constructed and into which burn the water of said reservoir is at present discharged:

And whereas certain buildings upon the estate of Arnot and certain of the lands thereof are wholly dependent upon said burn with the springs or tributaries draining into it for their water supply:

And whereas the Second Party has certain statutory rights of fishing sporting and other rights over said reservoir:

And whereas the proposed operations of the First Parties will destroy or injuriously affect said water supply said sporting rights and certain roads on the estate and cause loss and damage to the Second Party who has accordingly intimated to the First Parties that he proposes to petition against said Order and in consideration of the Second Party agreeing to withdraw his opposition to said Order the First Parties have agreed to amend the same and to give the Second Party such compensation and such other relief as is hereinafter set forth:

Therefore the parties have agreed and hereby agree as follows:—

First—The First Parties agree and hereby bind and oblige themselves on the Act of Parliament confirming said Order receiving the Royal Assent to pay to the

7th Sch. —*cont.*

Second Party the sum of one thousand pounds sterling as compensation for depriving him of the waters at present draining into the said reservoir and discharged therefrom into said Arnot Burn :

Second—The First Parties also agree and hereby bind and oblige themselves before taking away any water from Arnot Estate or otherwise interfering with the quantity or quality of the compensation water to the Arnot Burn as provided by the First Parties Acts of Parliament to deliver to the Second Party from the aqueduct or pipe forming Work No. 3 of the draft Order as shown on the plans deposited therewith and at such point on said aqueduct or pipes as the Second Party or his engineer may select 6,000 gallons of Arnot Burn water during every twenty-four hours in an equal and continuous flow into an adjoining substantial tank or chamber having a capacity of not less than 4,000 gallons with an outlet near the bottom of the tank consisting of a rose-head length of pipe and sluice valve together with provision for emptying the tank and means for conveying the overflow into the burn by a pipe all at the expense of the First Parties and all to the satisfaction of the Second Party's engineer but the Second Party shall thereafter maintain said tank and fittings and have right to make a suitable connection with the outlet from said tank to enable him to draw the said water supply therefrom In the event of the First Parties failure to deliver the said 6,000 gallons as provided in this article they shall make compensation for any loss damage or injury sustained by the Second Party or any of his tenants :

Third—In the event of the First Parties not exercising the powers granted to them in the Order they shall be bound to continue the delivery into Arnot Burn of the compensation water as provided in the Kirkcaldy and Dysart Waterworks Act 1896 :

Fourth—The First Parties bind and oblige themselves as soon as the Royal Assent has been given as aforesaid to pay to the Second Party a further sum of one thousand pounds sterling to enable him to provide and maintain the means of taking from the First Parties works and distributing said water supply referred to in the Article Second hereof Declaring that the First Parties shall be entitled to make a connection to the pipe which the Second Party shall lay to Arnot Mill and to lay therefrom a lead pipe not exceeding three-quarters of an inch in diameter for the purpose of affording a supply to the existing feus at Auchmuir Bridge which supply to said feus shall be taken from the said supply of 6,000 gallons

of water to be provided every twenty-four hours by the First Parties in terms of Article Second hereof:

Fifth—The price to be paid by the First Parties to the Second Party for the servitudes of wayleaves for pipe-tracks and for land and others to be taken by the First Parties from the Second Party under the provisions of the said Order and also the compensation to be paid to the Second Party or his tenants for the interference with sporting rights during the construction of the works authorised by the Order on Arnot Estate shall be such sums as failing agreement shall be fixed by James Inglis Davidson land valuator Saughton Mains Corstorphine or failing him by an arbiter to be appointed by the sheriff of Fife and Kinross on the application of either party:

Sixth—In respect the First Parties by the enlargement of Arnot Reservoir are to submerge part of the road from Greenhead of Arnot to the Hill grazings the First Parties agree and undertake to form a similar substitute road round the west side of the reservoir so far as is necessary to connect the portions of the road on each side of the submerged portion and to fence the same as at present all at their own expense:

Seventh—The First Parties agree and undertake to use no other road as an access to their works than that over which they have at present right of access viz. from the public road west of Arnot Mill leading past Little Arnot and to take all reasonable means to prevent their servants or contractors using any other roads on the estate and they further hereby undertake to restore the surface of said road to its present condition after their operations are completed and during the carrying out of the works to maintain it in a serviceable condition and repair all damage done in the execution of the works authorised by the Order by themselves their servants or contractors to any part of the estate which the First Parties are not taking under their compulsory powers:

Eighth—The First Parties undertake not to interfere in any way with the existing water supply to Arnot Tower and to the other buildings and fields supplied from the same source and in the event of any of their operations causing any such interference they bind and oblige themselves at their own expense to restore the supply to its present condition in all respects and to pay for any damage caused They further agree to take no exception nor raise any objection to any operations of the Second Party at the source of said supply for the purpose of improving it:

7TH SCH. —*cont.*

Ninth—The First Parties hereby undertake to pay the adjusted amount of expenses of the Second Party in his opposition to said Order and for adjusting the terms of settlement and of this agreement not exceeding the sum of one hundred pounds and subject to the approval of the Secretary for Scotland and of Parliament to have this agreement scheduled to the Order and statutory sanction given thereto :

Tenth—This agreement is subject to such alterations as may be made thereon during the progress of the said Order but if any material alteration be so made it shall be competent to either of the parties to withdraw therefrom.

In witness whereof these presents are subscribed by the parties in duplicate as follows They are sealed with the common seal of the said Waterworks Commissioners of Kirkcaldy and Dysart and signed at a meeting of the commissioners for and on their behalf by Alexander Kilgour and William Young two of the said commissioners and by David Beveridge their secretary all at Kirkcaldy on the eleventh day of December nineteen hundred and twenty-three before these witnesses Robert Ritchie water superintendent Kirkcaldy and Wemyss Erskine Mitchell Maxwell burgh chamberlain Kirkcaldy and are subscribed by the said Thomas Francis Hope Bruce in London on the seventeenth day of December and year last mentioned before these witnesses Walter Henry Pain civil servant Greenfield Avenue Road Southall and Leslie Brooks civil servant St. Budeaux Kings Road New Kindersley Essex.

(Signed)	W. PAIN Witness.	(Signed) THOS. F. HOPE BRUCE.
	L. BROOKS Witness.	A. KILGOUR.
	ROBERT RITCHIE Witness.	WILLIAM YOUNG.
	WEMYSS E. M. MAXWELL Witness.	DAVID BEVERIDGE Secretary.

THE EIGHTH SCHEDULE.

(Referred to in the sections of this Order the marginal notes of which are "Annual estimates" and "Laying on of rates.")

BURGH RATES.—Expenditure payable wholly by the occupier where incurred for and in connection with the following purposes :—

1. Police.
2. Lighting.
3. Cleansing.
4. Fire prevention.
5. Public baths (including open-air bathing facilities).
6. Public wash-houses.
7. Public libraries.
8. Markets.
9. Slaughter-houses.
10. Adam Smith and Beveridge Halls Philp Memorial Hall Pathhead Hall Normand Memorial Hall Relief Street Hall and any other halls subject to the section of this Order of which the marginal note is "Upkeep of public halls."
11. Gas.
12. Electricity.
13. Omnibuses.
14. Public clocks.
15. Public weighbridges.
16. Weights and measures inspection.
17. Gas Regulation Act 1920.
18. Payment in lieu of petty customs.
19. Fatal Accidents Inquiry (Scotland) Act 1895.
20. Explosives Act 1875.
21. Damages occasioned by mobs.
22. Food and Drugs Acts.
23. Dean of guild court.

THE NINTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Establishment of loans fund.")

RULES AND REGULATIONS FOR THE OPERATION OF THE LOANS FUND.

Fund divided into two accounts.

1. The loans fund shall contain two separate accounts (viz.): (i) an account shewing all the assets and liabilities of the fund and (ii) an account shewing all transactions applicable to income and expenditure of the fund.

Assets and liabilities.

Account (i) shall contain a record of all assets and liabilities of the fund under the following headings :—

(*a*) Assets—

(1) Advances to Corporation departments;

(2) Any other advances which the Corporation may from time to time be authorised to make;

(3) Investments;

(4) Deferred charges;

(5) Any other assets.

(*b*) Liabilities—

(1) Corporation stock;

(2) Mortgages;

(3) Any other liabilities.

Income and expenditure.

Account (ii) shall contain a record of the income and expenditure of the fund under the following headings :—

(*a*) Income—

(1) Interest from Corporation departments —

(i) in respect of advances on capital account;

(ii) in respect of interest on advances for ordinary expenditure;

(2) Interest on any other advances made by the Corporation;

(3) Income from investments;

(4) Other income e.g. unclaimed dividends.

(*b*) Expenditure—

(1) Dividends and interest on stock mortgages and other loans;

(2) Loans fund expenses including stamp duties.

9TH SCH. —*cont.*

Payments to loans fund.

2. There shall be paid to the loans fund as and when they are received or in the case of the sums specified in paragraph (3) of this article when they are due—

(1) All moneys borrowed by the Corporation in the exercise of their statutory borrowing powers including moneys borrowed from reserve depreciation renewal superannuation or other funds belonging to or held by them;

(2) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose; and

(3) 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 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.

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. Moneys of a capital nature paid into the loans fund may 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 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 provided that the Corporation shall not be prevented from making any such advance during the year in which event interest shall be charged in accordance with the provisions of the article of this schedule the marginal note whereof is "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

9TH SCH. —*cont.*

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;

(*b*) in the redemption of stock or any other securities issued by the Corporation in the purchase of stock for extinction or in the repayment of any moneys borrowed by the Corporation;

(*c*) in defraying the expenses incurred by the Corporation in the creation and issue of stock;

and such 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 of a capital nature paid into the loans fund shall not be used or applied otherwise than in accordance with the provisions of this article.

Deferred charges.

5.—(1) The expenses incurred in the creation and issue of stock shall be defrayed out of the capital moneys of the loans fund and shall together with any discount liability which has been assumed by the Corporation in respect of the redemption of stock at a value exceeding the price at which the stock was issued be treated as deferred charges.

(2) Such proportion of the deferred charges incurred in respect of each issue of stock as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the Corporation shall be defrayed in each year out of the revenue moneys of the loans fund and debited in so far as it relates to discounts to the interest account and in so far as it relates to expenses to the loans fund expenses account.

Premiums received on issues of stock.

6. The expenses incurred by the Corporation on an issue of stock shall be a first charge on any sums received as premiums in respect of that issue and such proportion of the remainder (if any) of the sums so received as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the Corporation shall be appropriated in each year to the revenue purposes of the loans fund and credited to the interest account.

Investments of loans fund.

7. Any investment of moneys of the loans fund shall be entered and stand in the accounts of the loans fund at its cost price exclusive of the expenses of investment.

Depreciation of loans fund investments.

8.—(1) A valuation shall be made after the end of each year of the investments of the loans fund and upon the total selling value of those investments first being found to fall short

9TH SCH. —*cont.*

of the total value at which the investments are entered in the accounts of the loans fund the total depreciation shall forthwith be treated as a loss in the accounts of the loans fund and a sum equal to the amount thereof shall be carried to a reserve fund in the accounts of the loans fund.

(2) Any increase or decrease of the total depreciation of investments ascertained under paragraph (1) of this article which may be found to exist upon a revaluation made at the close of any subsequent year shall forthwith be treated in the accounts of the loans fund as a loss or profit as the case may be and the amount of the reserve shall at the same time be adjusted to agree with the net depreciation found on that revaluation.

(3) The reserve fund authorised by this article may be applied in defraying any loss arising on the sale of any investment of the loans fund.

Profits and losses.

9.—(1) The net profit or loss which has arisen during any year on—

(*a*) the realisation of investments;

(*b*) the repayment of loans; or

(*c*) the purchase of stock or other securities of the Corporation below or above the value at which they stand in the books of the loans fund;

shall be ascertained at the end of the year.

(2) The net profit or loss ascertained under paragraph (1) of this article together with the amount of any depreciation in the value of the investments of the loans fund which by the preceding article of this schedule is required to be treated as a loss shall in so far as the net profit or loss does not exceed the product of a rate of one penny in the pound be transferred to the credit or debit of the loans fund expenses account at the close of the year and the remainder shall be carried forward.

(3) If after the transfer required by paragraph (2) of this article has been made there remains a balance of profit or loss greater than three times the product of a rate of one penny in the pound or if there is reason to anticipate that such a balance is about to arise the Corporation shall forthwith submit to the Secretary of State for his approval a scheme for the application or liquidation of the balance and the scheme as approved with or without amendment by the Secretary of State shall be carried into effect by the Corporation.

(4) Subject to the provisions of paragraph (3) of this article any balance of profit carried forward under the provisions of this article shall be treated as capital moneys of the loans fund and as a deferred credit in the accounts of that fund and any balance of loss so carried forward shall be temporarily defrayed by the

9TH SCH. —*cont.*

capital moneys of the loans fund and treated as a deferred charge in the accounts of that fund.

Income and expenditure.

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of the expenditure over income effect shall be given to the provisions of the articles of this schedule the marginal notes whereof are respectively "Interest" and "Loans fund expenses."

Interest.

11. The net amount of the interest payable by the Corporation on loans after the deduction of interest receivable on investments and after allowing for any sums directed by these regulations to be debited or credited to the interest account shall be apportioned at the end of each year between the several borrowing accounts in the manner following :—

(*a*) There shall first be charged or allowed to each borrowing account in respect of any advance or repayment of an advance which has been made or received during the currency of the year the appropriate amount in respect of the period between the date of the advance or repayment and the end of the year calculated at the rate per cent. which would be payable by the Corporation on loans raised at the time of such advance or repayment;

(*b*) Interest on existing loans from the Public Works Loan Commissioners and interest on existing local housing bonds shall be charged to the housing scheme or schemes liable for the payment of interest on such debt and in the case of any advance for a purpose in respect of which any Government grant in aid is receivable such a special charge may be made to such department of the Corporation as may be approved by the Government department concerned;

(*c*) The remainder of the net amount shall be apportioned between the borrowing accounts in the proportion which the outstanding advances to each borrowing account at the commencement of the year then ending bears to the total at such commencement of the outstanding advances to all the borrowing accounts :

Provided that in their discretion the Corporation may subject to paragraph (*b*) of this article apportion the total interest for each year among the departments of the Corporation in proportion to the average balances of indebtedness during the year of each department If this method of apportionment is adopted the balance of indebtedness shall be adjusted at monthly intervals between the loans fund and departments and the monthly balance so obtained for each department shall form the basis for calculating the average balance of indebtedness during the year.

9TH SCH. —*cont.* Loans fund expenses.

12.—(1) There shall be brought together in one total for each year all revenue expenditure (exclusive of interest) in connection with the loans fund including—

(*a*) any costs in connection with the raising of loans (other than expenses of the issue of stock which under this schedule are treated as deferred charges);

(*b*) any annual contribution to meet deferred charges so far as they relate to expenses of issue;

(*c*) any proportion of losses debited to the loans fund expenses account of the year under article 9 of this schedule; and

(*d*) any other expenses incurred in and about the management or investment of the fund including such proportion of the remuneration of officers and general office expenditure as may reasonably be allocated to the fund.

(2) There shall be deducted from the total expenditure mentioned in paragraph (1) of this article—

(*a*) any items which are specifically chargeable to borrowing accounts;

(*b*) any proportion of profits credited to the loans fund expenses account of the year under this schedule; and

(*c*) any fees fines or other revenue receipts of the loans fund;

and the remainder shall be apportioned between the borrowing accounts in the proportion which the advances to each borrowing account outstanding on the last day of the year bears to the total of all such advances Provided that the Corporation in their discretion may make the apportionment required under this article on the same basis as in the proviso to article 11.

Special housing loans.

13. Except as expressly provided nothing contained in this schedule shall affect existing local housing bonds and loans from the Public Works Loan Commissioners or the charges in respect thereof but in order that the loans fund may contain a complete record of all loan transactions such debt shall nevertheless form part of the loans fund.

Accounts and balance sheet.

14. 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 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.

9TH SCH. —*cont.*

Bank accounts.

15. The Corporation may make such regulations regarding their banking account or accounts as they may think fit.

Certification of accounts and returns.

16.—(1) The accounts relating to the loans fund shall be certified as to correctness by the burgh chamberlain and the Corporation shall at least once in every year require the auditor of the Corporation accounts to make a report setting forth—

(*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 departments 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 article of this schedule 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 present a petition 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.

Investigation of loans fund.

17. It shall be in the discretion of the Secretary of State to investigate the administration of the loans fund from time to time as he may determine.

Form of accounts.

18. The accounts relating to the loans fund shall be in such form as may be prescribed by the Secretary of State.

Revision of schedule.

19. 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 and thereupon such additions or alterations shall be given effect to as if they had been enacted in this schedule.

THE TENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Existing borrowing powers continued.")

Amounts authorised to be borrowed for the purposes of the following undertakings :—

KIRKCALDY CORPORATION ORDER 1930 :

For financial and other adjustments with Fife County Council - - -	£1,500	0	0				
Whereof repaid as at 15th May 1938	600	0	0				
Leaving as the amount outstanding and not yet paid off - - - - -				£900	0	0	
For compensation to certain officers and expenses of arbitration - -	3,846	12	4				
Whereof repaid as at 15th May 1938 -	1,792	12	4				
Leaving as the amount outstanding and not yet paid off - - - - -				2,054	0	0	

HARBOUR :

Amounts authorised by the following Orders :—							
1904 - - - £140,000							
1910 - - - 30,000							
1933 - - - 6,000							
	176,000	0	0				
Total amount borrowed up to 15th May 1938 - - - - -	176,000	0	0				
Leaving unexhausted borrowing powers				Nil			
Total amount borrowed as above -	176,000	0	0				
Whereof repaid as at 15th May 1938 -	66,712	0	0				
Leaving as the amount outstanding and not paid off - - - - - -				109,288	0	0	

10TH SCH. —*cont.*

WATER:

Amounts authorised by the following Acts and Orders:—

Kirkcaldy & Dysart Waterworks Acts 1867–1930:							
Act of 1867	-	£38,000					
1870	-	15,000					
1881	-	40,000					
1886	-	25,000					
1896	-	100,000					
1901	-	30,000					
1908	-	30,000					
1913	-	64,000					
		£342,000					
Less borrowing powers under 1908 and 1913 Acts unexercised and repealed by Act of 1924 - - -		38,380	3	0			
					£303,619	17	0
Act of 1924 - - - - -					155,000	0	0
						£458,619	17 0
Total amount borrowed up to 15th May 1938 - - -						411,253	18 0
Leaving as the amount of the unexhausted borrowing powers -						47,365	19 0
Total amount borrowed as above -					411,253	18	0
Whereof repaid at 15th May 1938 -					256,579	18	0
Leaving as the amount outstanding and not paid off - - - -						154,674	0 0

GAS:

Amounts borrowed under the Burghs Gas Supply (Scotland) Act 1876 up to 15th May 1938 - - - -	264,657	14	7
Whereof repaid at 15th May 1938 -	133,016	0	0
Leaving as the amount outstanding and not paid off - - - -	£131,641	14	7

THE ELEVENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Repayment of moneys borrowed.")

Existing statutory periods of redemption of moneys borrowed according to the various enactments affecting the same.

Purpose.	Period not exceeding	Enactment.
Harbour—		
Amounts borrowed under Orders of 1904 1910 and 1933.	50 years	Kirkcaldy Corporation Order 1904 section 90 Kirkcaldy Corporation Order 1910 section 67 and Kirkcaldy Corporation Order 1933 section 39.
Retaining walls and embankments—		
Purchase of strand and waste ground and the construction of retaining walls and embankments.	40 years	Kirkcaldy Corporation Order 1910 section 70.
Payment of compensation to certain officers.	15 years	Kirkcaldy Corporation Order 1930 sections 35 and 46.
Financial and other adjustments with county council of Fife.	20 years	Kirkcaldy Corporation Order 1930 section 48.
For gasworks and ancillary purposes.	40 years	Burghs Gas Supply (Scotland) Act 1876.

THE TWELFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Mortgages.")

ROYAL BURGH OF KIRKCALDY.

MORTGAGE.

Mortgagee.

Mortgage No. Dated

Amount of Mortgage.

Date repayable Rate of interest per cent.

We the Royal Burgh of Kirkcaldy in virtue of the powers conferred on us by the Kirkcaldy Corporation Order 1939 and in consideration of the principal sum of (amount in words) paid to us by (name and designation of mortgagee) hereinafter referred to as the mortgagee do hereby grant and assign to the mortgagee and his executors administrators and assignees (or as the case may be) the whole funds rates and revenues of the Corporation (other than the common good of the burgh and the revenues thereof) to hold to the mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied and it is hereby stipulated that the said principal sum shall be repayable on the (insert date of repayment) or shall thereafter in virtue hereof remain as a loan to us until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon and signed by the mortgagee or his foresaids and by our town chamberlain and which minutes are hereby declared and shall be held to be valid and binding though they may be neither holograph of the said mortgagee or his foresaids nor tested and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned being at the rate of (insert rate of interest) we shall pay the several sums contained in the interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants Declaring that the said mortgagee and his foresaids shall not be entitled to make and that we shall not be bound to register any partial assignation of these presents or of the sums of money principal or interest herein contained and that we shall not be liable for any expenses that may be incurred by the said mortgagee or

his foresaids for or in relation to the preparation revision adjustment or execution of any discharge renunciation release assignation or minute of postponement or renewal of this mortgage. 12TH SCH: —*cont.*

Dated the day of

Provost (or presiding magistrate),

Town clerk.

Entered in the register of mortgages
of date

Town chamberlain.

NOTE.—Assignations of mortgages must be intimated to the town chamberlain at his office Municipal Buildings Kirkcaldy.

MINUTE OF RENEWAL.

It has been mutually stipulated and agreed upon that the repayment of the principal sum contained in the within mortgage shall be postponed and the same shall not be due and exigible until the day of and that interest shall become due on the said principal sum for the extended period to the date last mentioned at the rate of per centum per annum and shall be paid half-yearly on the eleventh day of November and the fifteenth day of May on presentation of the respective coupons or interest warrants in number issued herewith.

Dated and entered in the register of mortgages the day of .

Town chamberlain.

Mortgagee.

ASSIGNATION.

in consideration of the sum of
paid to by

do hereby transfer to the said

and executors administrators and assignees

12th Sch. —*cont.*

the within mortgage and all interest thereon and all rights estate and interest in and to the money thereby secured and in and to the funds rates and revenues thereby assigned.

* Insert testing clause required by the Law of Scotland.

In witness whereof these presents*
Entered in the register of mortgages of date

Town chamberlain.

DISCHARGE.

Received from the Royal Burgh of Kirkcaldy by the hands of the town chamberlain the within mentioned sum of sterling with all interest due thereon.

Dated at the
day of

THE THIRTEENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Forms.")

(A)

ROYAL BURGH OF KIRKCALDY.

RESOLUTIONS ON CREATION OF STOCK.

The provost magistrates and councillors resolved as follows :

(First)—That under the authority and subject to the provisions of the Kirkcaldy Corporation Order 1939 the Corporation do hereby create stock to be called the Kirkcaldy Corporation per cent. redeemable stock (here insert year of first issue) and to be issued to an amount not exceeding (state sum in words) pounds.

(Second)—That such stock shall be issued at the price and shall bear the dividends hereinafter specified (that is to say) :—
(Here specify these particulars).

(Third)—That such stock shall be redeemed as follows :—
(state terms).

(B)

ROYAL BURGH OF KIRKCALDY.

CORPORATION STOCK CERTIFICATE.

Number

This is to certify that A.B. of ( ) is the proprietor of ( ) pounds of Kirkcaldy Corporation per cent. redeemable stock (here insert year of first issue) subject to the Acts of Parliament relating thereto.

Given under the common seal of the town council of Kirkcaldy and subscribed by and with the authority of the provost magistrates and councillors of the said royal burgh this ( ) day of ( ) (19).

Provost (or presiding magistrate),

Town Clerk.

(C)

ROYAL BURGH OF KIRKCALDY.

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 Kirkcaldy Corporation per cent. redeemable stock (here insert year of first issue) standing (or part of the stock standing) in my name in the books of the provost magistrates and councillors of the royal burgh of Kirkcaldy to hold unto the said transferee his executors administrators and assignees (or successors and assignees) 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 ( ).

13th Sch. —*cont.*

(D)

DIVIDEND WARRANT.

KIRKCALDY CORPORATION REDEEMABLE STOCK.

(£ per cent.).

To the cashier or manager (or other official) of Bank Pay to bearer the sum of for year's dividends on the sum of £ Kirkcaldy Corporation per cent. redeemable stock (here insert year of first issue) due 19 .

Less income tax at *d.* per £ -

£

I do hereby acknowledge to have received of (the bank) the above mentioned sum in full payment for dividend due as above.

(E)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

KIRKCALDY 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 Kirkcaldy Corporation per cent. redeemable stock (here insert year of first issue) transferable pursuant to the Kirkcaldy Corporation Order 1939.

Dated 19 .

Countersigned

A 00000

The coupons attached to this certificate are payable at

When the coupons are exhausted this certificate may be exchanged on presentation at the office of the town chamberlain at Kirkcaldy for a new certificate with fresh coupons attached.

THE FOURTEENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Fees.")

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 FIFTEENTH SCHEDULE.

(Referred to in the section of this Order the marginal note of which is "Loanwells Green and St. Mary's Green.")

PORTION OF LOANWELLS GREEN WHICH MAY BE SOLD TO BARRY OSTLERE AND SHEPHERD LIMITED.

All and whole that triangular piece of ground part of the Loanwells Green in the burgh of Kirkcaldy and county of Fife extending to 0·04 acres or 195 square yards or thereby and bounded as follows namely on the North-west by the National Works of Barry Ostlere and Shepherd Limited on the north-east by Carlyle Road and on the south-east by the remainder of the Loanwells Green.

THE SIXTEENTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Repeal of Acts &c.")

ACTS AND ORDERS REPEALED.

Session and chapter.	Title.	Extent of repeal.
51 Geo. 3. c. xxxv.	An Act for widening paving improving and keeping in repair the streets lanes and other passages in the royal burgh of Kirkcaldy in the county Fife for the better supplying the inhabitants thereof with water and for other purposes of utility to the said burgh.	The whole Act.
53 Geo. 3. c. lxxxviii.	An Act to continue three Acts made in the fifteenth and thirty-first years of the reign of His late Majesty King George the Second and in the thirty-first year of the reign of His present Majesty laying a duty of two pennies Scots or one-sixth part of a penny sterling upon every Scots pint of ale and beer which shall be brewed for sale brought into tapped or sold within the town of Kirkcaldy and liberties thereof.	The whole Act.
10 Geo. 4. c. xcix.	An Act for the improvement maintenance and regulation of the harbour of Kirkcaldy in the county of Fife.	The whole Act.
12 & 13 Vict. c. xxx.	The Kirkcaldy Harbour and Petty Customs Act 1849.	The whole Act.
30 & 31 Vict. c. cxxxix.	The Kirkcaldy and Dysart Waterworks Act 1867.	The whole Act.
33 & 34 Vict. c. lxvi.	The Kirkcaldy and Dysart Waterworks Amendment Act 1870.	The whole Act.
39 & 40 Vict. c. clxxix.	The Kirkcaldy Burgh and Harbour Act 1876.	The whole Act.
44 & 45 Vict. c lx.	The Kirkcaldy and Dysart Waterworks (Additional Powers) Act 1881.	The whole Act.

16TH SCH. —*cont.*

Session and chapter.	Title.	Extent of repeal.
49 & 50 Vict. c. xxxiii.	The Kirkcaldy and Dysart Waterworks Act 1886.	The whole Act.
59 & 60 Vict. c. cxxxiii.	The Kirkcaldy and Dysart Waterworks Act 1896.	The whole Act.
62 & 63 Vict. c. cxxxviii.	The Kirkcaldy Electric Lighting Order 1899 confirmed by the Electric Lighting Orders Confirmation (No. 13) Act 1899.	The whole Order.
62 & 63 Vict. c. clxvii.	The Kirkcaldy Corporation and Tramways Act 1899.	The whole Act.
1 Edw. 7. c. clxxii.	The Kirkcaldy and Dysart Water Order Confirmation Act 1901.	The whole of the Act and the Order scheduled thereto.
4 Edw. 7. c. clxxiv.	The Kirkcaldy Corporation Order Confirmation Act 1904.	The whole of the Act and the Order scheduled thereto.
8 Edw. 7. c. clv.	The Kirkcaldy and Dysart Water Order Confirmation Act 1908.	The whole of the Act and the Order scheduled thereto.
10 Edw. 7. & 1 Geo. 5. c. lx.	The Kirkcaldy Corporation Order Confirmation Act 1910.	The whole of the Act and the Order scheduled thereto.
3 & 4 Geo. 5. c. clix.	The Kirkcaldy and Dysart Water Order Confirmation Act 1913.	The whole of the Act and the Order scheduled thereto.
4 & 5 Geo. 5. c. clxxxv.	The Kirkcaldy Corporation Order Confirmation Act 1914.	The whole of the Act and the Order scheduled thereto.
	The Kirkcaldy Electricity (Temporary Increase of Charges) Order 1919.	The whole Order.
14 Geo. 5. c. i.	The Kirkcaldy and Dysart Water Order Confirmation Act 1924.	The whole of the Act and the Order scheduled thereto.
	The Kirkcaldy and Dysart Public Water Rate (Application of Rating Act) Order 1927.	The whole Order.
19 & 20 Geo. 5. c. xxx.	The Kirkcaldy Corporation Order Confirmation Act 1929.	The whole of the Act and the Order scheduled thereto.
19 & 20 Geo. 5. c. xxxii.	The Dysart Corporation Order Confirmation Act 1929.	The whole of the Act and the Order scheduled thereto.
	The Kirkcaldy Gas (Charges) Order 1929.	The whole Order.

16TH SCH. —*cont.*

Session and chapter.	Title.	Extent of repeal.
20 & 21 Geo. 5. c. xciii.	The Kirkcaldy Corporation Order Confirmation Act 1930.	The whole of the Act and the Order scheduled thereto.
	The Kirkcaldy (Consolidated Rate) Order 1931.	The whole Order.
24 & 25 Geo. 5. c. iv.	The Kirkcaldy Corporation Order Confirmation Act 1933.	The whole of the Act and the Order scheduled thereto.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller

Price 6*s*. 0*d*. net