



## CHAPTER xlvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Buckhaven and Leven Gas. A.D. 1922.  
[20th July 1922.]

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

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

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

2. The following provisions for the protection of the county council of the county of Fife and the Kirkcaldy district committee of that county council (who for their respective rights jurisdictions and interests are hereinafter referred to as "the county authorities") shall have effect (that is to say):— For pro-  
tection  
of county  
authorities.

(1) All mains pipes and works to be laid by the Joint Gas Commissioners in or along any highway road street or bridge repairable by the county authorities shall be laid with all reasonable despatch. The Joint Gas Commissioners

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shall with all reasonable despatch complete their operations and restore the said highway road street or bridge to the reasonable satisfaction of the road surveyor of the county authorities;

- (2) Any question which may arise between the Joint Gas Commissioners and the county authorities or the said road surveyor under this section shall be referred to and determined by an arbiter to be nominated failing agreement between the parties by the sheriff of Fife and Kinross on the application of the Joint Gas Commissioners or the county authorities and the decision of such arbiter shall be final.

Short title.

3. This Act may be cited as the *Buckhaven and Leven Gas Commission Order Confirmation Act 1922.*

SCHEDULE.

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A.D. 1922.

BUCKHAVEN AND LEVEN GAS COMMISSION.

*Provisional Order to constitute Joint Gas Commissioners for the burgh of Buckhaven Methil and Innerleven and the burgh of Leven to transfer to the Commissioners the gas undertakings formerly owned by the East Wemyss and Buckhaven Gas Light Company Limited and the Leven and Methil Gas Company Limited and now owned and carried on by the provost magistrates and councillors of the burgh of Buckhaven Methil and Innerleven to confer powers on the said Commissioners and for other purposes.*

WHEREAS the provost magistrates and councillors of the burgh of Buckhaven Methil and Innerleven (hereinafter referred to as the "town council of Buckhaven") are the local authority within the said burgh and the Commissioners therein for the purposes of the Burghs Gas Supply (Scotland) Acts 1876 to 1918 (hereinafter referred to as the "Burghs Gas Acts"):

And whereas the town council of Buckhaven adopted the Burghs Gas Supply (Scotland) Act 1876 (hereinafter referred to as "the Act of 1876") as amended by the Burghs Gas Supply (Scotland) Act 1893 on the seventeenth day of November one thousand nine hundred and thirteen:

And whereas the provost magistrates and councillors of the burgh of Leven (hereinafter referred to as the "town council of Leven") are the local authority within the said burgh and the Commissioners therein for the purposes of the Burghs Gas Acts:

And whereas the town council of Leven adopted the Burghs Gas Acts on the twelfth day of November one thousand nine hundred and nineteen:

And whereas at the date of the adoption of the said Acts by the town council of Buckhaven the burgh of Buckhaven Methil and Innerleven was supplied with gas partly by the East Wemyss and Buckhaven Gas Light Company Limited and partly by the Leven and

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A.D. 1922. Methil Gas Company Limited (hereinafter called the  
“companies”):

And whereas at the date of the adoption of the said Acts by the town council of Leven the burgh of Leven was wholly supplied with gas by the said Leven and Methil Gas Company Limited from their works in Leven:

And whereas the town council of Buckhaven in accordance with the provisions of the Burghs Gas Acts gave notice to the companies for the purchase of the undertakings of the companies and after sundry steps of procedure the price was fixed by arbitration and on payment by the town council of Buckhaven of the said price the whole undertakings of the companies were transferred and conveyed to and are now vested in the town council of Buckhaven by deeds of conveyance granted by the companies dated respectively the twenty-fourth day of December and the twenty-ninth day of December both in the year one thousand nine hundred and twenty and both recorded in the Division of the General Register of Sasines applicable to the county of Fife on the twenty-seventh day of January one thousand nine hundred and twenty-one:

And whereas by the Act of 1876 it is among other things provided that the town councils of two or more burghs who have adopted the said Act may amalgamate for carrying out its purposes and provision is made for the constitution of a joint gas committee as therein mentioned:

And whereas owing to the circumstances existing in reference to the acquisition of the undertakings of the companies and otherwise doubts have arisen as to whether such an amalgamation of the town council of Buckhaven and the town council of Leven could be effectively carried out under the provisions of the Burghs Gas Acts and it is expedient that such doubts should be removed and that Joint Gas Commissioners should be constituted as in this Order provided:

And whereas it is expedient in the interests of the inhabitants of the burgh of Buckhaven Methil and Innerleven and of the burgh of Leven that the undertakings formerly carried on by the companies and now owned and carried on by the town council of Buckhaven should be vested in and administered by the Joint Gas Commissioners constituted by this Order jointly for and on behalf

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of both the said burghs and that the said Commissioners should be vested with all the powers and authorities conferred by the Burghs Gas Acts on the town council of a single burgh to the same effect as if the said Commissioners had been a "Joint Gas Committee" appointed under the Act of 1876 : A.D. 1922.

And whereas it is expedient that subject to the provisions of this Order the Burghs Gas Acts should extend and apply to the undertakings vested by this Order in the said Commissioners :

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

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

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

1. This Order may be cited as the Buckhaven and Leven Gas Commission Order 1922. Short title.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order." Commence-  
ment of  
Order.

3. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings respectively assigned to them (that is to say) :— Interpre-  
tation.

"Burgh of Buckhaven" means the burgh of Buckhaven Methil and Innerleven ;

"Town council of Buckhaven" means the provost magistrates and councillors of the burgh of Buckhaven ;

"Town council of Leven" means the provost magistrates and councillors of the burgh of Leven ;

"Joint Gas Commissioners" means the Commissioners incorporated by this Order ;

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“ Gas undertakings ” means the gas undertakings of the companies as vested in the town council of Buckhaven immediately previous to the commencement of this Order;

“ The Act of 1876 ” means the Burghs Gas Supply (Scotland) Act 1876;

“ Burgh Gas Acts ” means the Burghs Gas Supply (Scotland) Acts 1876 to 1918.

Application  
of Acts.

4. The Burghs Gas Acts shall subject to the provisions of this Order extend and apply to the undertakings vested by this Order in the Joint Gas Commissioners.

Incorporation  
of  
Commis-  
sioners.

5.—(1) The Joint Gas Commissioners for the purposes of this Order and of the Burghs Gas Acts shall be eleven in number of whom seven shall be members of the town council of Buckhaven and four shall be members of the town council of Leven Provided that the provosts for the time being of the burgh of Buckhaven and the burgh of Leven shall ex officio be two of the eleven Joint Gas Commissioners Provided further that the Secretary for Scotland may on the application of either town council at any time and from time to time after the expiration of five years from the commencement of this Order and on three months' notice to the other town council by order under his hand alter the number of members from the respective town councils in such manner as he may having regard to all the then circumstances of the case think fair and reasonable.

(2) The Joint Gas Commissioners shall be a body corporate under the name and style of the “ Buckhaven and Leven Gas Commissioners ” with perpetual succession and a common seal and shall have power to sue and be sued and to purchase hold and dispose of lands and other property for the purposes of the Burghs Gas Acts and this Order and shall have all the other powers and privileges of a body corporate.

Meetings  
&c. of  
Commis-  
sioners.

6. Within two weeks from the commencement of this Order the town council of Buckhaven and the town council of Leven shall appoint their respective Joint Gas Commissioners The Joint Gas Commissioners shall hold their first meeting within four weeks from the commencement of this Order and shall continue in office till the appointment of their successors in November

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nineteen hundred and twenty-two Then and thereafter annually in November there shall be a nomination and appointment of Commissioners by the said town councils respectively and the Commissioners so appointed shall hold office until the appointment of their successors in the following November but retiring Commissioners shall be eligible for re-appointment If during his term of office any Joint Gas Commissioner ceases to be a member of the town council by whom he was appointed he shall thereupon cease to be a Joint Gas Commissioner and such town council shall appoint one of their number in his place.

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7. The Joint Gas Commissioners shall at their first meeting to be held in terms of this Order appoint one of their number to be chairman for the period to November nineteen hundred and twenty-two and thereafter in the month of November annually after their election the Joint Gas Commissioners shall appoint one of their number to be chairman for the ensuing year.

Chairman  
of Com-  
missioners.

8. On the commencement of this Order the gas undertakings including all the property and assets thereof heritable and moveable real and personal of what kind and nature soever and wheresoever situated and the whole rights powers and privileges of the town council of Buckhaven in relation to the said undertakings together with all sums of money debts and contracts due and owing and enforceable by the said town council in connection therewith shall vest and become vested in and transferred to the Joint Gas Commissioners subject to the burdens debts and obligations of the said town council in relation thereto.

Vesting of  
under-  
takings in  
Commis-  
sioners.

9. On and after the commencement of this Order the Joint Gas Commissioners shall free and relieve the town council of Buckhaven of all mortgages bonds securities for money conveyances contracts agreements and obligations previously made or entered upon in relation to the gas undertakings in favour of or with any person or persons whomsoever and of all liabilities arising out of the same and all debts and liabilities incurred by the said town council in relation to the said undertakings shall be enforceable and recoverable from the Joint Gas Commissioners and shall be chargeable and charged upon the said undertakings vested in the

Discharge  
to Buck-  
haven  
town  
council.

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A.D. 1922. said Commissioners in virtue of this Order and upon the moneys to be received by the Joint Gas Commissioners under this Order and shall remain in full force and effect and be and continue valid in law and available in all courts of law until the same be fully satisfied paid for performed and discharged.

Applica-  
tion of  
provisions  
of Burghs  
Gas Acts.

10. Subject to the provisions of this Order all the powers rights authorities and privileges conferred by the Burghs Gas Acts on the Commissioners of a single burgh may be exercised and enforced by the Joint Gas Commissioners in the same way and manner and as fully in every respect as the same might have been exercised and enforced by the Commissioners of a single burgh or by a Joint Gas Committee constituted under and in terms of section 9 of the Act of 1876 on the amalgamation of two or more burghs which have adopted the said Act and amalgamated for the purposes thereof.

Gas con-  
tingent  
guarantee  
rate.

11. The Joint Gas Commissioners may fix and requisition the gas contingent guarantee rate provided for by the Burghs Gas Acts and upon the gas contingent guarantee rate being fixed and requisitioned by the Joint Gas Commissioners the same shall be imposed levied and collected on property situated within the burgh of Buckhaven and the burgh of Leven respectively by the respective authorities empowered by law to levy any assessment for police purposes therein.

Accounts  
and audit.

12. The Joint Gas Commissioners shall from time to time appoint a fit person to be their treasurer to act during their pleasure. The treasurer shall keep separate and distinct books and accounts altogether apart from and unconnected with the other books of the Joint Gas Commissioners and such books and accounts shall contain a full and accurate record of all moneys received and paid by the treasurer or the servants of the Joint Gas Commissioners. Sections 91 to 96 inclusive of the Town Councils (Scotland) Act 1900 shall with the necessary modifications apply to the accounts of the Joint Gas Commissioners as if the Joint Gas Commissioners were a town council within the meaning of that Act.

Costs of  
Order.

13. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the



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Joint Gas Commissioners out of the gas revenues to be levied by them or out of moneys to be borrowed by them for the said purpose which moneys they are hereby authorised to borrow in like manner as they are authorised to borrow under the Burghs Gas Acts but in the event of such costs being paid out of borrowed money the same shall be repaid within five years from the commencement of this Order. A.D. 1922.

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