



**CHAPTER clxxxv.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy Corporation. A.D. 1914.  
[10th August 1914.]

**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. Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Kirkcaldy Corporation Order Confirmation Act 1914. Short title.

A.D. 1914.

SCHEDULE.

KIRKCALDY CORPORATION.

*Provisional Order to repeal the provisions of the Kirkcaldy Burgh and Harbour Act 1876 relating to the footways in the district annexed to the Burgh by that Act and to substitute therefor the provisions of the Burgh Police Acts to define the limits within which the Corporation may supply gas to make provision as to office of Town Clerk accident insurance fund enlargement and maintenance of Philp Memorial Hall and for other purposes.*

WHEREAS the burgh of Kirkcaldy in the county of Fife is a Royal burgh under the municipal administration of the provost magistrates and council thereof (herein-after called "the Corporation") and whereas by the Kirkcaldy Burgh and Harbour Act 1876 (herein-after called "the 1876 Act") the boundaries of the burgh were extended so as to include a certain adjacent district (herein-after called "the district annexed"):

And whereas by the 1876 Act it was provided that it should be lawful for the Corporation to cause footways to be made on the sides of any street within the district annexed or where any footways existed but were not properly made to cause the same to be properly made and to make payment of the cost thereof from the moneys to be raised by them on the security of the special footway improvement rate by the said Act authorised:

And whereas by the 1876 Act it was provided that the Corporation might once in every year assess and levy on the owners of all lands and heritages within the district annexed a rate of such amount as they might think proper to be called the special footway improvement rate (herein-after called "the footway rate") to defray the cost of making and improving the said footways:

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And whereas by the 1876 Act it was provided that the Corporation might for the purposes of the making and improvement of the said footways from time to time borrow any sums not exceeding £10,000 : A.D. 1914.

And whereas the greater and more important part of the streets in the district annexed were at the date of the passing of the 1876 Act turnpike roads and statute labour roads (both herein-after referred to as "turnpike roads") under the management of the county of Fife road trustees :

And whereas soon after the passing of the 1876 Act the Corporation under the power above recited borrowed the sum of £10,000 and spent the same in making and improving the footways in the streets (including the turnpike roads) in the district annexed :

And whereas the Corporation annually levied the footway rate by the 1876 Act authorised and applied the same to paying the interest and sinking fund on the said sum of £10,000 and also to paying the cost of making and improving the footways in further streets in the district annexed :

And whereas after the passing of the 1876 Act new streets came to be formed in the district annexed (all streets formed in the district annexed after the passing of the 1876 Act being herein-after called "new streets" and all streets in the district annexed in existence at the passing of the said Act being herein-after called "old streets") :

And whereas the Corporation for many years applied the footway rate in making and improving the footways in the new streets as well as in the old streets :

And whereas on 20th March 1901 it was in an action raised by Lady Massareene against the Corporation decided by the sheriff-substitute of Fifeshire sitting at Kirkcaldy that the footway rate was not applicable to making and improving footways in new streets and the Corporation thereafter applied the said rate only to making and improving footways in old streets :

And whereas the Corporation did not levy the footway rate after their financial year from 15th May 1907 to 15th May 1908 :

And whereas by that time the whole of the said sum of £10,000 had been repaid :

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And whereas after 15th May 1908 the Corporation issued notices to a number of proprietors in the district annexed under the powers contained in the Burgh Police (Scotland) Act 1892 and the Burgh Police (Scotland) Act 1903 (herein-after called "the Police Acts") calling on them to lay the footways in front of their properties :

And whereas disputes arose as to whether the Corporation were entitled to issue and enforce the said notices :

And whereas for the purpose of settling the said disputes a special case was submitted by the Corporation and certain proprietors in the district annexed to the first division of the Court of Session :

And whereas by a judgment delivered in the said special case on 10th February 1911 it was decided (first) that the footway rate was not applicable to new streets nor to old streets which were turnpike roads at the passing of the 1876 Act (second) that the Corporation were bound to pay the cost of making and improving the footways on all old streets other than turnpike roads out of the footway rate and that the Corporation were not entitled in the case of such old streets to put in force the powers contained in the Police Acts of calling on owners to lay their own footways :

And whereas owing to this decision the position of matters in regard to the footway rate has become most inequitable as many owners have paid the rate for many years without having received any benefit therefrom and they now have no possibility of receiving any benefit :

And whereas it is desirable that the levying of the footway rate should be brought to an end in the course of a short definite period on equitable terms :

And whereas after the said judgment was pronounced the Corporation issued notices to a number of proprietors in new streets annexed under the powers contained in the Police Acts calling on them to lay the footways in front of their properties :

And whereas none of the proprietors appealed against the said notices :

And whereas the Corporation having in virtue of their powers contained in the Police Acts laid the footways mentioned in the said notices served notices on the respective proprietors

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imposing on them the cost of laying the said footways as private improvement expenses under the Police Acts: A.D. 1914.

And whereas the Corporation also served notices on certain proprietors in new streets to whom notices to lay their footways had been issued prior to the said judgment of the Court of Session but who had not yet paid the private improvement expenses due by them in respect of the footways having been laid by the Corporation under the powers contained in the Police Acts:

And whereas a number of the proprietors under the provisions contained in the Police Acts appealed to the Corporation against the imposition of the said private improvement expenses:

And whereas at the hearing of the said appeals the appellants admitted that they had no valid legal grounds for appealing but had made the said appeals with the object of raising the whole footway question in the district annexed and undertook that on a Provisional Order in terms satisfactory to them and the other proprietors in the district annexed being promoted by the Corporation they would consent to the said appeals being dismissed and would pay the amount of the private improvement expenses levied on them respectively:

And whereas the terms herein-after set forth have been adjusted between the Corporation and a committee representing all classes of proprietors in the district annexed as being fair and equitable:

And whereas the Corporation inserted advertisements in the local papers setting forth briefly the provisions of this Order in regard to the footway rate and calling on any person who objected thereto to lodge a statement of his objections with the town clerk but no person lodged any objections:

And whereas the Corporation have adopted the Burghs Gas Supply (Scotland) Act 1876 and have acquired the undertaking of the Kirkcaldy Gas Light Company Limited:

And whereas the said company supplied gas not only in the burgh of Kirkcaldy but also in certain adjacent districts:

And whereas by the Burghs Gas Supply (Scotland) Act 1876 the Corporation are authorised to supply gas to any district adjacent to the burgh not being at the time of the adoption of the Act within the area of supply of any incorporated company or company authorised by Provisional Order confirmed by Act of

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A.D. 1914. Parliament town council or other commissioners but the Corporation in respect of such adjacent districts does not possess the compulsory powers contained in the Gasworks Clauses Act 1847:

And whereas it is expedient to confer such compulsory powers on the Corporation and to define the limits within which the Corporation may supply gas:

And whereas by the Kirkcaldy Corporation Order 1910 (herein-after called "the 1910 Order") provision was made for the Corporation making byelaws prohibiting the putting into the waters of the Forth within 50 yards of low-water mark solid refuse and other waste matter:

And whereas it is desirable to extend the area to which the byelaws may apply:

And whereas it is expedient that further provision should be made with respect to the tenure of office of any town clerk of the burgh to be hereafter appointed and that further powers should be conferred on the Corporation with reference to payment of retiring allowances to town clerks and making agreements in relation thereto:

And whereas a number of the citizens recently at their own expense purchased the Philp Memorial Hall which is situated in the first ward of the burgh and handed over the same to the Corporation as a hall for public meetings:

And whereas it is desirable that the Corporation should be authorised to enlarge improve furnish and fit up the said hall:

And whereas it is desirable that the Corporation should be authorised to establish an accident insurance fund for the purpose of meeting claims upon them arising out of accidents to persons in their employment:

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 Kirkcaldy Corporation Order 1914 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Short title  
and com-  
mencement.

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

- I. —Preliminary.
- II. —Footways.
- III.—Gas.
- IV.—Byelaws.
- V. —Town Clerk.
- VI. —Financial.

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Order di-  
vided into  
Parts.

#### PART I.

##### PRELIMINARY.

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 herein assigned to them:—

- “The burgh” means the burgh of Kirkcaldy;
- “The Corporation” means the provost magistrates and councillors of the burgh;
- “The 1876 Act” means the Kirkcaldy Burgh and Harbour Act 1876;
- “The district annexed” means the district annexed to the burgh by the 1876 Act;
- “The footway rate” means the special footway improvement rate by the 1876 Act authorised;
- “The Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1903;
- “New streets” means streets in the district annexed that were not in existence at the passing of the 1876 Act but have been formed since that date;
- “Old streets” means streets in the district annexed that were in existence at the passing of the 1876 Act;
- “Turnpike roads” means roads in the district annexed that were under the management of the county road trustees at the passing of the 1876 Act and includes statute labour roads.

#### PART II.

##### FOOTWAYS.

4. From and after the commencement of this Order the Corporation shall be entitled in the district annexed to put in force the powers contained in the Police Acts of calling on

Powers in  
Police Acts  
for formation  
of footways

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to be put in  
force.

owners to cause the footways in front of their properties to be made in the same manner and to the same effect as if the provisions in regard to footways contained in the 1876 Act had never been enacted and as if the footway rate had never been authorised or levied.

Footway  
rate to be  
levied for  
three years.

5. The Corporation may in their financial year from 15th May 1915 to 15th May 1916 and in the two succeeding years but not in any subsequent year assess and levy in the district annexed the footway rate by the 1876 Act authorised.

Footway  
rates to be  
applied in  
equitable  
compensa-  
tion to  
owners.

6. The footway rates by the immediately preceding section of this Order authorised to be levied shall be applied by the Corporation in making such payments by way of equitable compensation to owners of properties in the district annexed as to the Corporation shall appear to be just. The said payments shall be made without distinction as to whether the properties are situated in old streets new streets or turnpike roads. The said payments shall be made and the footway rate levied according to the following regulations:—

- (1) Where any owner of ground upon which buildings have been erected shall have made or shall make the footway in front of that property in the manner prescribed in section 141 of the Burgh Police (Scotland) Act 1892 whether voluntarily or under an order from the Corporation such owner shall be entitled to receive from the Corporation  $\frac{1}{8}$ th part of the cost (so far as the same has not already been paid out of the footway rate) for every year not exceeding 28 during which the ground has been built on prior to 15th May 1908:
- (2) Where buildings have been erected since 15th May 1908 or where buildings have been erected prior to that date if no claim for compensation under subsection (1) hereof is made by the owner of ground which was previously unbuilt on the owner thereof shall not be liable to be assessed for the footway rate to be levied under this Order:
- (3) Where the Corporation are satisfied that buildings have been erected in any street or part of a street for 28 years prior to 15th May 1908 the Corporation may themselves if they see fit cause the footways



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therein to be paved and may defray the cost thereof out of the footway rate: A.D. 1914.

- (4) In levying the assessments under this Part of this Order section 94 of the 1876 Act shall not apply:
- (5) Every owner entitled to receive payment under subsection (1) of this section shall as early as possible lodge his claim with the Corporation and any owner who does not lodge his claim prior to the 15th June 1917 shall forfeit all claim that would otherwise have been competent to him under the said subsection:
- (6) Whereas the footway rate to be levied in one year may not be sufficient to meet all the claims which may in that year have been made the Corporation may in one year pay the claims arising from one part or district of the district annexed and may leave the other claims over to be dealt with in the following year but in the year from 15th May 1917 to 15th May 1918 they shall deal with all claims which have been lodged prior to 15th June 1917 and which have not already been paid and they shall in the said year from 15th May 1917 to 15th May 1918 levy a footway rate sufficient to enable them to pay all the claims still outstanding:
- (7) If any dispute arises as to the meaning and intent of this section or as to the carrying of the same into effect the decision of the Corporation as to such dispute shall be final.

7.—(1) All footways within the district annexed that may have been or shall hereafter be made paved and constructed either by the Corporation or to their satisfaction shall be maintained repaired and upheld by the Corporation in the same manner as if the footways had been formed under section 141 of the Burgh Police (Scotland) Act 1892. Maintenance of footways.

(2) Section 75 of the 1876 Act is hereby repealed.

8. The manner in which the footway rates already levied by the Corporation have been applied is hereby sanctioned and confirmed and no person shall be entitled to make any claim of any nature soever against the Corporation in respect thereof. Past application of footway rate sanctioned and confirmed.

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Assessments  
already im-  
posed con-  
firmed.

9. The assessments already imposed by the Corporation in respect of the laying of footways in new streets are hereby confirmed.

Special  
agreements  
not affected.

10. Nothing contained in this Order shall in any way affect any special agreement already entered into between the Corporation and any proprietor with reference to the footway to be laid in front of his property.

Expenses to  
be paid out  
of footway  
rates.

11. The Corporation may out of the footway rates to be levied under this Order pay (1) the expenses incurred by them in the said special case laid before the Court of Session (2) such part of the expenses of the other parties to the said case as the Corporation have agreed or may agree to pay (3) the expenses incurred by the said committee of proprietors in connexion with this Order and the negotiations preceding the same to an amount not exceeding £100 and (4) a proportion of the expenses incurred by the Corporation in connexion with this Order.

PART III.

GAS.

Incorpora-  
tion of Acts.

12. The following Acts and parts of Acts (so far as the same are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order:—

The Gasworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit Provided that section 13 of that Act shall be read as if the words “or any premises” were inserted after the words “private building” and as if the words “Provided also that every such contract entered into by “ the Corporation shall be alike in terms and amount “ under the like circumstances to all consumers” were added at the end of that section :

The Gasworks Clauses Act 1871 except section 35 (Accounts &c.):

And in construing the said Acts and parts of Acts for the purposes of this Order the expressions “the promoters” and “the promoters of the undertaking” or “the undertakers” shall mean the Corporation unless there be something in the subject or the context repugnant to such constructions respectively.

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This Order shall be deemed a special Act within the meaning of the said Acts wholly or partially incorporated herewith. A.D. 1914.

13. The limits of this Order for the supply of gas by the Corporation shall be the 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 Provided (A) that the price to be charged by the Corporation for the supply of gas by them within the burgh of Dysart or within any future extension thereof shall be the same price as that charged by them for gas supplied for the same purpose within the burgh and (B) that the price to be charged by the Corporation for the supply of gas by them within the county of Fife beyond the burgh for any purpose (excepting public purposes) shall not exceed the price charged by them for gas supplied for the same purpose within the burgh by more than fourpence per thousand cubic feet for each mile or part of a mile beyond the boundaries of the burgh providing that the price in the area of the village of Thornton as coloured green on the plan relative to this section and signed in triplicate by the town clerk of the burgh shall not exceed the price charged for gas supplied for the same purpose within the burgh by more than tenpence per thousand cubic feet. Limits of supply of gas.

14. Subject to the provisions of this Order the Corporation may supply gas within the limits of this Order Provided always that the Corporation shall not supply gas (A) within that part of the parish of Kirkcaldy and Dysart lying to the east and south-east of the following boundaries A line from the fore-shore at the west point of the White Craigs extending northwards to the south side of the Dysart Road at the west corner of the buildings known as the Teind Barns and from a point on the south side of said road 34 yards eastwards from the said west corner of said Teind Barns also extending northwards to the west side of the North British Railway bridge crossing Windmill Road and thence northwards along the North British Railway line including both platforms of Dysart Station to the point where the said line enters the parish of Wemyss as the same is coloured red on the plan relative to this section marked Plan No. 1 and signed in triplicate by the town clerk of the burgh without first obtaining the consent of the Dysart Gas Light Company Limited or of the town council of the burgh of Dysart in the event of that burgh adopting the Burghs Gas Power to supply gas.

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Power to lay pipes in private streets.

15. The Corporation may on the application of the owner or occupier of any premises within the limits of this Order for the supply of gas abutting on or being erected in any street laid out but not dedicated to public use supply these premises with gas and for that purpose the Gasworks Clauses Acts 1847 and 1871 shall apply as if the street were a street within the meaning of those Acts.

For protection of mines.

16. Nothing in this Order or in the Acts or parts of Acts incorporated therewith shall limit or interfere with the rights of any owner lessee or occupier of any mines or minerals outside of 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.

Local or lighting authority may purchase portion of gas undertaking.

17. If at any time the local or lighting authority whether constituted before or after the commencement of this Order of any district (the burgh of Dysart being included in the expression "district") beyond the burgh included in the limits of this Order are desirous to purchase so much of the gas undertaking of the Corporation as is situate 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 section 2 of the Burghs Gas Supply (Scotland) Act 1876 or of any other Act 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

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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. A.D. 1914.

18. In the exercise of the powers conferred by this Order the following provisions for the protection of (1) 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 herein-after referred to as "the county authorities") and (2) the provost magistrates and councillors of the burgh of Dysart (herein-after referred to as "the burgh of Dysart") the county authorities and the burgh of Dysart (being both herein-after included in the expression "the local authorities") shall (except so far as otherwise agreed upon in writing between the local authorities and the Corporation) have effect as regards the respective areas of the several local authorities (that is to say):—

For protection of county authorities and burgh of Dysart.

(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 local authorities 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 local authorities 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 local authorities these shall be laid in such positions and at such levels in relation to the mains sewers pipes and works of the local authorities as the local authorities 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 local authorities opened and broken up or interfered with by the Corporation in the exercise of the

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powers of this Order Provided that the notice required by section 8 of that Act shall (except for laying 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 Order shall authorise the Corporation to interfere with the structural part of any bridge repairable by the local authorities without the consent in writing of the local authorities which consent shall not be unreasonably withheld and may be given upon such conditions as the local authorities may reasonably determine :
- (4) The Corporation shall not themselves alter or interfere with any sewers water pipes or other works of the local authorities 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 Order such alterations or interference with such works shall be executed by the local authorities and the local authorities 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 despatch 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 local authorities as is reasonably due to the operations of the Corporation shall be paid by the Corporation to the local authorities 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: A.D. 1914.

- (5) In the event of any alterations on or deviations of any sewers water pipes or other works and property of the local authorities 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 local authorities such alterations or deviations or protection works shall be executed and completed by the local authorities 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 local authorities and require the intended alterations or deviations to be correspondingly varied:
- (6) The local authorities 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 local authorities 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 or the roadway over a bridge or the

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approaches thereto caused by the use of road rollers and other road plant and heavy traffic or resulting from the exercise by the local authorities of the powers vested in them from time to time :

- (8) Nothing in this Order contained shall take away or abridge any power vested or to be vested in the local authorities 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 local authorities and in the event of the local authorities 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 local authorities shall not without the consent of the local authorities 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 local authorities with all reasonable despatch and maintain the same for a period of twelve months from the date of a certificate by the local authorities or their surveyor certifying that such highway street bridge or roadway has been satisfactorily restored The restoration of highways streets or roadways under this section shall mean and include the bottoming of the tracks opened up with materials and in a manner



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reasonably satisfactory to the local authorities and the metalling rolling and completion of the tracks also with materials and in a manner reasonably approved of by the said authorities 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 local authorities Provided that in the event of the local authorities 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 local authorities :

- (11) In the event of the local authorities deciding at any time to apply for powers to supply electric light within any portion of their districts situate within the limits of this Order the Corporation shall not oppose any such application :
- (12) The Corporation shall if required by the local authorities supply such local authorities with gas for the purpose of the public lighting of any special lighting district formed or which may be formed by the local authorities which is within the limits of this Order 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 herein-after 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 local authorities so far as they competently may also supply such local authorities with gas at the price to be agreed upon or determined by 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 local authorities 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

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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 local authorities 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 Order authorised shall be repaid to the local authorities by the Corporation :
- (15) The Corporation shall pay to the local authorities the costs or expenses they may reasonably incur or be put to in superintending the works authorised by 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 local authorities if the same be sent to the clerk to the Kirkcaldy District Committee of the county council of the county of Fife at his office at Kirkcaldy or the town clerk of Dysart as the case may be :
- (17) The powers of the Corporation to supply gas within any part of the county of Fife or within the burgh of Dysart 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 authorities for powers to supply gas within the limits of this Order so far as within the county of Fife or any part thereof or by the burgh of Dysart for powers to supply gas within the limits of this Order so far as within the burgh of Dysart or within any extension of the burgh of Dysart Provided that the respective local authorities applying for such powers are willing to take over in the manner provided in the section of this Order of which the

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*Confirmation Act, 1914.*

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 respective local authorities 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 respective local authorities agree to take from the Corporation a supply of gas in bulk for the service of such area :

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- (19) If any difference at any time arises between the local authorities and the Corporation touching this section or anything to be done or not to be done thereunder such differences shall be settled by an arbiter to be agreed upon between them or failing such agreement to be appointed on the application of either party by the sheriff of Fife and Kinross.

19. For the protection of the waterworks commissioners of Kirkcaldy and Dysart (in this section called "the commissioners") the following provisions shall unless otherwise agreed upon between the Corporation and the commissioners have effect (that is to say) :—

For protection of waterworks commissioners of Kirkcaldy and Dysart.

- (1) In carrying out any of the works to be constructed by the Corporation authorised by this Order or by the Acts incorporated therewith the Corporation shall not themselves alter or interfere with the existing mains branch and service pipes or other works of the commissioners or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith nor prevent nor injuriously affect or interrupt the flow of water 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 Order such alterations or interference with such works shall be executed by the commissioners and the commissioners 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 despatch and in such a manner as

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will enable the Corporation to carry out their works without undue delay. The reasonable cost of so much of such alterations or interference with such works by the commissioners as is reasonably due to the operations of the Corporation shall be paid by the Corporation to the commissioners 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 herein-after in this section provided and the commissioners' works as so altered shall remain part of the statutory undertaking of the commissioners:

- (2) In the event of any alterations on or deviations of any water mains branch or service pipes or other works and property of the commissioners 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 commissioners' undertaking such alterations or deviations or protection works shall be executed and completed by the commissioners 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' written notice 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 commissioners and require the intended alterations or deviations to be correspondingly varied:
- (3) The commissioners shall at all times have right of access to their existing and future mains branch and service pipes and works connected therewith and to

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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 :

A.D. 1914.

- (4) The Corporation shall before proceeding with any works or operations which interfere with or affect any of the mains branch and service pipes and other works of the commissioners give at least one month's previous written notice of the intention of the Corporation so to do to the secretary of the commissioners and shall submit plans and sections showing the intended operations which plans and sections shall so far as any of the mains or branch pipes or other works of the commissioners shall or may be interfered with or affected be subject to the reasonable approval of the engineer of the commissioners and the Corporation shall carry out such works only in accordance with the plans so approved :
- (5) All additional expenditure which at any time after the commencement of this Order may be reasonably incurred by the commissioners in consequence of the construction or laying down or by reason of the existence of any mains pipes or other apparatus of the Corporation which but for the confirmation of this Order and the exercise of the powers conferred on the Corporation would not have otherwise arisen shall be borne and paid by the Corporation :
- (6) The commissioners shall not be liable for any loss or damage which the Corporation may sustain by the exercise in a reasonable manner by the commissioners of any statutory powers possessed by them for the time being for the management inspection repair maintenance and renewal of their works or in connexion with the construction and maintenance at any time of new and additional mains branch and service pipes and other works which may be found necessary for the purposes of their undertaking :

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A.D. 1914.

(7) If any difference shall arise at any time between the Corporation and the commissioners with respect to any of the matters referred to in or arising out of this section with respect to the execution of any works therein provided for or referred to such difference shall failing agreement of the parties to name an arbiter be referred to an arbiter to be nominated by the sheriff of Fife and Kinross on the application of either of the said parties and the decision of the said arbiter in all such matters so referred shall be final. Provided however that in reference to the eight inch or larger mains of the commissioners and the apparatus and valves connected therewith the commissioners shall be entitled absolutely to decide the manner in which and the conditions upon which such mains apparatus and valves shall be altered or interfered with and in these cases the said arbiter shall failing agreement decide whether and to what extent such alteration or interference was due to the operations of the Corporation and the amounts reasonably chargeable against the Corporation in respect thereof.

PART IV.

BYELAWS.

Byelaws for preserving amenity of seashore and strand.

20. Section 54 of the 1910 Order shall be read and construed as if the words "half a mile" had been there inserted in place of the words "50 yards". Provided that no byelaw made under the provisions of section 54 of the 1910 Order and this section shall come into operation until the consent of the Board of Trade has first been obtained. Provided further that the Board of Trade may by order signed by a secretary or an assistant secretary of the Board revoke any such byelaw. 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 any such inquiry shall be defrayed by the town council.

PART V.

TOWN CLERK.

Regulation of office of town clerk.

21. The following provisions shall apply to the office of town clerk of the burgh and shall take effect from and after

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the day on which William Lawson Macindoe present town clerk of the burgh ceases to hold that office (herein-after called "the appointed day") :—

A.D. 1914.

(1) Every person appointed by the Corporation to the office of town clerk after the appointed day shall hold office during the pleasure of the Corporation or during such period 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. No person appointed to the office of town clerk shall 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. 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 herein-after provided :

(2) 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 connexion 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. All fees and emoluments payable (unless it should be

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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 herein-after provided :

- (3) No person appointed to the office of town clerk shall 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 :
- (4) 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 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 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 :
- (5) 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 (2) of this section and also all costs charges and disbursements recoverable from third parties and recovered (the right of recovering such costs charges and disbursements in proceedings between the Corporation and third parties being in no respect prejudiced by this Order) shall be charged and collected by the town clerk or other person to



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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 for or recover any fees or emoluments which may be payable by the Corporation :

A.D. 1914.

- (6) 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 also retiring allowances to any town clerk or deputy or assistant town clerk as herein-after provided and all disbursements and payments made or incurred in connexion 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.

22. The Corporation may at any time after the passing of the Act confirming this Order enter into an agreement with William Lowson Macindoe for his retirement from the office of town clerk and any other office or appointment held by him under the Corporation at such date and in consideration of such retiring allowance and subject to such conditions as may be agreed upon Such retiring allowance shall form a first charge on the said fee fund subject to the provision herein-before contained as to the liability of the funds and assessments of the Corporation for any deficiency in the fee fund.

Power to agree for retirement with present town clerk.

23. The Corporation may if they think fit on the retirement hereafter of any town clerk other than William Lowson Macindoe and of any deputy or assistant town clerk grant to such person

Provision for retirement of future town clerk.

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A.D. 1914. a retiring allowance of such amount and payable during his life or for such shorter period as the Corporation may determine. The Corporation may at any time commute any retiring allowance into a capital sum to be paid out of the fee fund or other funds and assessments of the Corporation of such amount as shall be fixed by an actuary to be named by the sheriff of Fife and Kinross on the application of the Corporation as the value of an annuity equal in amount to such retiring allowance having regard to the age of the person so entitled and the period for which such retiring allowance has been granted. Provided that retiring allowances shall not at any one time be paid to more than two persons who have held the office of town clerk.

Saving clause.

24. Nothing in this Order shall in any way extend or prejudicially affect or impair the rights and interests of the Corporation on the one hand or of William Lawson Macindoe on the other hand in or in relation to the office of town clerk or any other office or appointment held by him under the Corporation while William Lawson Macindoe shall continue in office.

PART VI.

FINANCIAL.

Gas guarantee rate to apply to sinking fund. 25. Section 38 (Guarantee rate) of the Burgh Gas Supply (Scotland) Act 1876 shall in its application to the gas undertaking be read as if the words "and the sinking fund thereon" were inserted after the words "or to be borrowed."

Enlarging and fitting up Philp Memorial Hall.

26. The powers to contribute towards the expense of enlarging and furnishing and fitting up and of borrowing for that purpose contained in section 315 of the Burgh Police (Scotland) Act 1892 shall apply to the Philp Memorial Hall. In the application of that section to the said hall that section shall read as if the words "enlarge alter or" were inserted between the words "may" and "repair" and as if the words "altering or repairing" were inserted between the words "enlarging" and "any" and as if the words "enlargement alteration" were inserted between the words "erection" and "furnishing". The annual revenue of the said hall shall be applied (1) in paying the expenses of managing and repairing the said hall (2) in paying the interest and sinking

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fund on any money borrowed on the security of the general improvement assessment in respect of the said hall (3) any surplus after providing for such payments as aforesaid shall be carried to the general improvement assessment.

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27.—(1) The Corporation may establish an accident insurance fund in this section called "the fund" to meet claims upon them arising out of accidents occurring to persons in their employment or to third parties and may contribute thereto annually out of the revenues of their several departments such sums as they may from time to time determine.

Accident  
insurance  
fund.

(2) The fund and the annual contribution shall be invested in securities in which trustees are for the time being authorised to invest and shall be accumulated at compound interest but the Corporation may at any time resort to the fund for the purpose of meeting any such claim as is mentioned in this section.

(3) In the event of the claims arising at any time exceeding the amount of the fund the Corporation may charge the revenues of the several departments liable to contribute to the fund with such sums as may be necessary to meet such claims. Such sums shall be paid into the fund under the name of extraordinary contributions and shall along with the fund be applied in meeting such claims.

28. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with or restrict the use of 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Crown  
rights.

29. The costs charges and expenses of and incident to the preparing obtaining and confirming of this Order or otherwise

Costs of  
Order.

[Ch. clxxxv.] *Kirkcaldy Corporation Order* [4 & 5 GEO. 5.]  
*Confirmation Act, 1914.*

A.D. 1914. In relation thereto shall be paid by the Corporation out of the footway rate or the revenue of the gas undertaking or the revenue of the other departments of the Corporation or out of some or all of them in such proportions as the Corporation may determine.

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