



## CHAPTER xii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to St. Andrews Links. A.D. 1924.  
[29th May 1924.]

**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 St. Andrews Links Order Confirmation Act 1924. Short title.

A.D. 1924.

SCHEDULE.

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ST. ANDREWS LINKS.

*Provisional Order to empower the Town Council of St. Andrews to dispose of part of the links of St. Andrews to sanction and confirm an Agreement between the Town Council and the Royal and Ancient Golf Club of St. Andrews and for other purposes.*

WHEREAS the provost magistrates and councillors of the burgh of St. Andrews (hereinafter called "the Town Council") are the municipal local and public health authority within the said burgh (hereinafter called "the burgh"):

And whereas by the St. Andrews Links Act 1894 (hereinafter called "the Act of 1894") the then commissioners of the burgh (who were the predecessors of the Town Council) were authorised to acquire the links of St. Andrews as described in the First Schedule to the said Act for the purposes and with the powers in the said Act set forth:

And whereas there was specifically excluded from the lands and property described in the said schedule the Royal and Ancient Golf Club House property:

And whereas the said commissioners acquired and the Town Council now own the said links:

And whereas by the Act of 1894 it was amongst other things enacted that the said links should be held and maintained as a public park and place of public resort and recreation for the inhabitants of the burgh and others resorting thereto:

And whereas the Royal and Ancient Golf Club of St. Andrews (hereinafter called "the club") are desirous of feuing from the Town Council a piece of ground (being part of the said links) situated at the north-east corner of their club house for the purpose of extending the said club house:

And whereas the Town Council are willing to feu the said piece of ground to the club but have been advised that the said piece of ground cannot competently be feued by them without statutory sanction : A.D. 1924.

And whereas it is expedient that the Town Council should be authorised to sell feu lease or otherwise dispose of the said piece of ground as hereinafter in this Order provided :

And whereas the Town Council have entered into an agreement with the club with respect to the feuing of the said piece of ground and other matters and it is expedient that the said agreement as set forth in the schedule to this Order should be sanctioned and confirmed :

And whereas it is expedient that the other provisions contained in this Order 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 St. Andrews Links Order 1924. Short title.

2. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction the following words and expressions shall have the meanings hereby respectively assigned to them namely :— Interpretation.

“ The Town Council ” means the provost magistrates and councillors of the burgh of St. Andrews ;

“ The Act of 1894 ” means the St. Andrews Links Act 1894.

3.—(1) Notwithstanding any provision to the contrary contained in the Act of 1894 or in any Act of Parliament or Order relating to the Town Council the Town Council may sell feu lease or otherwise dispose of to the Royal and Ancient Golf Club of St. Andrews the lands hereinafter in this section described (being part of the links referred to in the Act of 1894 and described generally in the First Schedule to that Act) or any part or parts thereof or any interest therein vested in the Power to sell &c. lands.



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A.D. 1924. Town Council in such manner for such price or consideration at such rent or premium or rent and premium for such period and upon such terms and conditions as the Town Council may think fit The lands hereinbefore referred to are the following :—

All and whole that piece of ground situated at the north-east corner of the Royal and Ancient Golf Club House Links St. Andrews in the burgh of St. Andrews parish of St. Andrews and St. Leonards and county of Fife and containing thirty square yards or thereby bounded as follows videlicet On the north and east by ground belonging to the provost magistrates and councillors of the royal burgh of St. Andrews and on the south-west by subjects belonging to the trustees for the Royal and Ancient Golf Club of St. Andrews

and are hereinafter in this Order referred to as “the said lands.”

(2) All moneys received by the Town Council by way of purchase money feu duty rent or premium in respect of the sale feu lease or other disposition of the said lands or interests therein shall be credited to the burgh general assessment.

(3) The Town Council shall be and they are hereby relieved from all and any obligations imposed upon them by the Act of 1894 or otherwise so far as the same affect the said lands.

(4) Section 98 (All alienations of heritable property to be by public roup) of the Town Councils (Scotland) Act 1900 shall not apply to the said lands.

Confirming  
agreement  
between  
Town  
Council and  
Royal and  
Ancient  
Golf Club.

4. The agreement between the Town Council and the Royal and Ancient Golf Club of St. Andrews and the captain chairman of the committee of management honorary treasurer and secretary of the said club acting for and on behalf of the said club as set forth in the schedule to this Order is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof.

Costs of  
Order.

5. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Royal and Ancient Golf Club of St. Andrews.

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The SCHEDULE referred to in the foregoing Order. A.D. 1924.

MINUTE OF AGREEMENT between the PROVOST MAGISTRATES and COUNCILLORS of the city and royal burgh of St. Andrews (hereinafter called "the Town Council") incorporated under the Town Councils (Scotland) Act 1900 of the first part and THE ROYAL AND ANCIENT GOLF CLUB of St. Andrews (hereinafter called "the Club") and Sir ALEXANDER SPROT Baronet of Stravithie C.M.G. captain thereof JAMES YOUNGER of Mount Melville chairman of the committee of management thereof CHARLES STUART GRACE honorary treasurer thereof and HENRY GULLEN secretary thereof acting for and on behalf of the club of the second part.

Stamp.

Sixpence.

WHEREAS by feu disposition dated third March eighteen hundred and fifty-four the then provost bailies and town councillors of the city of St. Andrews feued to trustees for the Union Club St. Andrews (now the said Royal and Ancient Golf Club) a piece of ground adjoining the golfing links of St. Andrews containing one thousand five hundred and forty-seven square yards or thereby and extending to one hundred and nineteen feet along the east and west sides and one hundred and seventeen feet along the north and south sides :

And whereas by feu disposition dated fourth September eighteen hundred and seventy-two the then provost bailies treasurer dean of guild and town councillors of the said city of St. Andrews feued to the then trustees for the St. Andrews Union Club a piece of ground containing two hundred and twenty square yards or thereby and situated immediately to the north of the ground feued by the said feu disposition dated third March eighteen hundred and fifty-four :

And whereas the Club being desirous of extending their club house which has been built on the ground feued by the said feu dispositions of eighteen hundred and fifty-four and eighteen hundred and seventy-two have applied to the Town Council for a feu of a piece of ground situated at the north-east corner of the said club house and containing thirty square yards or thereby :

And whereas the said piece of ground forms part of "the links" referred to in the St. Andrews Links Act 1894 and described generally in the First Schedule to that Act :



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And whereas the Town Council are willing to feu the said piece of ground to the Club but have been advised that the same cannot competently be feued by them without statutory sanction :

And whereas the Town Council have agreed to present a petition to the Secretary for Scotland praying him to grant a Provisional Order empowering them to feu to the Club the said piece of ground containing thirty square yards or thereby on the terms hereinafter set forth :

Therefore the parties hereto have agreed and hereby agree as follows viz. :—

First The Town Council shall present a petition to the Secretary for Scotland in December nineteen hundred and twenty-three praying him to grant a Provisional Order empowering them to feu to the Club the said piece of ground containing thirty square yards or thereby and hereinafter described upon the terms hereinafter set forth :

Second Subject to the terms and conditions hereof the Town Council agree to feu to the Club and the Club agree to feu from the Town Council all and whole that piece of ground delineated and tinted pink on the plan annexed and subscribed as relative hereto situated at the north-east corner of the Royal and Ancient Golf Club House Links St. Andrews in the burgh of St. Andrews parish of St. Andrews and St. Leonards and county of Fife and containing thirty square yards or thereby bounded as follows videlicet On the north and east by ground belonging to the provost magistrates and councillors of the royal burgh of St. Andrews and on the south-west by subjects belonging to the trustees for the Club :

Third The feu duty payable by the Club to the Town Council for the said piece of ground shall be five shillings per annum :

Fourth No warrandice of any kind either express or implied shall be granted by the Town Council but the feu shall be taken at the sole risk of the Club who shall have no claim against the Town Council in the event of the Club being evicted from the said subjects to be feued on any ground whatever or in the event of the feu charter or feu disposition to be granted by the Town Council as aftermentioned being reduced or declared invalid No searches of incumbrances either in the property or personal registers shall be delivered or exhibited :

Fifth The entry of the Club shall be at the date of the passing of the Act confirming the said proposed Provisional Order The first payment of feu duty shall be made at the first term of Whitsunday thereafter for the

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period from the date of the passing of the Act confirming the said proposed Provisional Order to such term of Whitsunday and thereafter the feu duty shall be payable at the term of Whitsunday yearly : A.D. 1924

Sixth The Town Council shall grant in favour of the Club a formal feu charter or feu disposition in which the provisions of Article Fourth hereof shall inter alia be incorporated and in which it shall be stipulated that any buildings which may be erected by the Club on the said subjects to be feued shall be in accordance with plans sections and specifications to be submitted to and approved by the Town Council :

Seventh The Club shall pay (first) the whole expenses already incurred by the Town Council in connection with the negotiations between the Town Council and the Club regarding the proposed feu of the said piece of ground and all procedure following thereon (second) the whole expenses of and incidental to the said Provisional Order and (third) the whole expenses of and connected with the said feu charter or feu disposition to be granted by the Town Council in favour of the Club it being expressly provided that no expenses of any kind shall be paid by the Town Council :

Eighth This agreement is made subject to the sanction of the Secretary for Scotland and Parliament and to such alterations as the Secretary for Scotland or Parliament may think fit to make therein and shall be scheduled to and confirmed by the said Provisional Order Should any alteration be made in this agreement during the progress of the said Provisional Order which in the opinion of the Dean of the Faculty of Advocates Edinburgh for the time being is material thereto either of the parties may withdraw therefrom but without prejudice to the liability of the Club for the expenses referred to in Article Seventh hereof up to the time of said withdrawal which liability shall remain in full force and effect :

Ninth In any proceedings for the enforcement of or in any way relating to this agreement the Club may sue and be sued by and in name of the captain the chairman of the committee of management the honorary treasurer and the secretary thereof for the time being :

Tenth All questions which may arise between the parties hereto in relation to this agreement or the import or meaning thereof or to the carrying out of the same shall (unless both parties mutually agree to refer the same to one arbiter) be referred to the final sentence and decree arbitral of two arbiters one to be appointed by each



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party to the reference or in the event of the said arbiters differing in opinion of an oversman to be appointed by the arbiters in writing before entering on the business of the reference.

In witness whereof these presents typewritten on this and the four preceding pages are together with the plan annexed hereto executed in duplicate as follows viz. They are subscribed by the said Sir Alexander Sprot baronet James Younger Charles Stuart Grace and Henry Gullen all at St. Andrews on the twenty-seventh day of October nineteen hundred and twenty-three before these witnesses John Brown Stark Miller and Harold Gordon Chaeter both waiters in the employment of the Royal and Ancient Golf Club of St. Andrews and they are subscribed by the Reverend Andrew David Sloan D.D. J.P. provost of the said city and royal burgh of St. Andrews and by John Cargill Cantley joint town clerk of said city and royal burgh on behalf of and as duly authorised by the said provost magistrates and councillors of the said city and royal burgh of St. Andrews at a special meeting of the said provost magistrates and councillors held at St. Andrews on the twenty-ninth day of the month and year last mentioned before these witnesses William Watson burgh engineer St. Andrews and John Ross sanitary inspector St. Andrews declaring that the words "and confirmed by" are interlined so as to be read between the words "to" and "the" in the sixth line counting from the top of page fourth hereof before subscription.

WILLIAM WATSON Witness.

JOHN ROSS Witness.

JOHN B. S. MILLER Witness.

HAROLD G. CHAETER Witness.

ANDREW DAVID SLOAN Provost.

J. CARGILL CANTLEY

Joint Town Clerk.

A. SPROT.

JAMES YOUNGER.

C. S. GRACE.

HENRY GULLEN.

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FOR

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