



CHAPTER xciii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy Corporation. A.D. 1930.
[4th June 1930.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63
Vict. c. 47.
16 & 17
Geo. 5. c. 18.

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 1930.

Short title.

A.D. 1930.

SCHEDULE.

KIRKCALDY CORPORATION.

Provisional Order to extend the boundaries of the royal burgh of Kirkcaldy to transfer to and vest in the town council of the extended burgh the undertaking of the Kirkcaldy Waterworks Commissioners and to dissolve the said commissioners to extend the limits of compulsory water supply and for other purposes.

WHEREAS the royal burgh of Kirkcaldy in the county of Fife (hereinafter called "the burgh of Kirkcaldy") is a royal burgh and the provost magistrates and councillors thereof (hereinafter called "the Corporation") are the municipal and local authority therein and are charged with the management and administration thereof :

And whereas the police and municipal boundaries of the existing burgh of Kirkcaldy were last extended by the sheriff in 1893 :

And whereas the royal burgh of Dysart (hereinafter called "the burgh of Dysart") which immediately adjoins and on the western side thereof is bounded by the burgh of Kirkcaldy is a royal burgh and the provost magistrates and councillors thereof (hereinafter called "the town council of Dysart") manage and administer the same under the provisions of the Burgh Police (Scotland) Acts 1892 to 1911 subject to the provisions of the Local Government (Scotland) Act 1929 under which it is a small burgh :

And whereas the burgh of Kirkcaldy and the burgh of Dysart adjoin each other and form a common centre of population with community of interests and certain of the municipal undertakings belonging to the burgh of Kirkcaldy are used in common by the inhabitants of the two burghs and it is expedient and in the public and local interest that the local administration of the same should be under one authority :

And whereas Sir Michael Nairn baronet has recently presented to the burgh of Kirkcaldy as a public park the policies of Dysart House which lie to a small extent in the burgh of Kirkcaldy but to a larger extent in the burgh of Dysart : A.D. 1930.

And whereas it is expedient that certain portions of the county of Fife should be included within the boundaries of the extended burgh :

And whereas it is expedient and would be for public and local advantage that the police and municipal boundaries of the burgh of Kirkcaldy should be extended and should include the burgh of Dysart as well as the said portions of the county of Fife (the said portions of the county of Fife being together hereinafter referred to as the "added areas") and that all franchises rights privileges and immunities and the royalty of the burgh of Kirkcaldy 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 burgh of Dysart and the added 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 of Kirkcaldy should as the same are amended by this Order be made applicable to and within the burgh of Dysart and the added areas :

And whereas it is expedient that the burgh of Dysart should be formed into a new ward and that the other added areas should be added to the existing wards of the burgh of Kirkcaldy and that the other provisions as to the members of the town council and the election thereof hereinafter contained should be made :

And whereas the Corporation are the authority for the supply of and are supplying gas in the burgh of Kirkcaldy and it is expedient that the provisions in respect to the supply of gas hereinafter contained should be made :

And whereas the Corporation own and work the tramways in the burgh of Kirkcaldy and the burgh of Dysart :

And whereas by the Kirkcaldy and Dysart Waterworks Act 1867 a body corporate was created under the

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name and style of "the Waterworks Commissioners of Kirkcaldy and Dysart" (hereinafter called "the Waterworks Commissioners") for the purpose of supplying water to the two burghs and districts and places adjacent and the said Waterworks Commissioners consist of the provost bailies treasurer and dean of guild of the royal burgh of Kirkcaldy for the time being the provost and bailies of the royal burgh of Dysart for the time being and eighteen other persons rated for the domestic water rate and the public water rate as in the said Act mentioned :

And whereas the limits of compulsory supply of the Waterworks Commissioners were by section 4 (Limits of compulsory supply of water extended) of the Kirkcaldy Corporation Order 1910 extended so as to include such portions of the burgh of Kirkcaldy as were not then situated within the said limits and the compulsory limits of supply of the Waterworks Commissioners are now coincident with the boundaries of the burgh of Kirkcaldy and the burgh of Dysart :

And whereas it is expedient that the said Waterworks Commissioners should be dissolved and that the whole undertaking property rights powers duties authorities jurisdictions liabilities and obligations of the Waterworks Commissioners should be transferred to vested in and imposed on the Corporation and that the Corporation should be authorised to exercise subject to the provisions of this Order all such powers authorities rights and jurisdictions now exercised and exerciseable by the Waterworks Commissioners in relation to the said undertaking and that the limits of compulsory supply should be extended so as to include the added areas :

And whereas it is expedient that for the purposes of this Order the Corporation should be empowered to levy rates and assessments and to borrow money :

And whereas it is expedient that the further powers hereinafter mentioned necessary for carrying out the purposes of this Order should be conferred upon the Corporation :

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

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1. This Order may be cited for all purposes as the *Kirkcaldy Corporation Order 1930.*

Short title
and citation
of Acts.

The *Kirkcaldy Harbour and Petty Customs Act 1849* the *Kirkcaldy Burgh and Harbour Act 1876* the *Kirkcaldy Corporation and Tramways Act 1899* the *Kirkcaldy Corporation Order 1904* the *Kirkcaldy Corporation Order 1910* the *Kirkcaldy Corporation Order 1914* the *Kirkcaldy Corporation Order 1929* and this Order may be cited together as the *Kirkcaldy Corporation Acts 1849 to 1930.*

The *Kirkcaldy and Dysart Waterworks Acts 1867 to 1924* and the *Kirkcaldy and Dysart Public Water Rate (Application of Rating Act) Order 1927* made under the *Rating (Scotland) Act 1926* and this Order so far as relating to water and water purposes may be cited together as the *Kirkcaldy and Dysart Waterworks Acts 1867 to 1930.*

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

Division of
Order into
Parts.

Part I.—Preliminary.

Part II.—Extension of boundaries and relative provisions.

Part III.—Waterworks Commissioners.

Part IV.—Gas.

Part V.—Assessments and finance.

Part VI.—Miscellaneous.

PART I.

PRELIMINARY.

3. This Order shall (except as otherwise hereinafter provided) commence and have effect on and from the sixteenth day of May one thousand nine hundred and thirty which date is hereinafter referred to as “the commencement of this Order.”

Commence-
ment of
Order.

4. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the following expressions shall have the

Interpre-
tation.

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A.D. 1930. meanings assigned to them in this section (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;
- “ The burgh ” means the royal burgh of Kirkcaldy as extended by this Order;
- “ The Corporation ” means the provost magistrates and councillors of the existing royal burgh of Kirkcaldy or of the burgh as the case may be;
- “ The county ” means the county of Fife;
- “ The county council ” means the county council of the county of Fife;
- “ The existing burgh ” means the royal burgh of Kirkcaldy within the limits and boundaries thereof as existing immediately previous to the commencement of this Order;
- “ The burgh of Dysart ” means the burgh of Dysart within the limits and boundaries thereof as existing immediately previous to the commencement of this Order;
- “ The town council of Dysart ” means the provost magistrates and councillors of the burgh of Dysart;
- “ The Kirkcaldy Corporation Acts ” means the Kirkcaldy Corporation Acts 1849 to 1930 except this Order;
- “ The Police Acts ” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act amending the same;
- “ The two burghs ” means the existing burgh and the burgh of Dysart;
- “ Town clerk ” means the town clerk of the existing burgh or the burgh as the case may be;
- “ The Water Acts ” means the Kirkcaldy Corporation Water Acts 1867 to 1930 other than this Order;
- “ The Waterworks Commissioners ” means the Waterworks Commissioners of Kirkcaldy and Dysart.

PART II.

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EXTENSION OF BOUNDARIES AND RELATIVE PROVISIONS.

5. The burgh shall include and comprehend in addition to the area embraced in the existing burgh the areas embraced in the burgh of Dysart and the 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 :

Extension
of bound-
aries.

Provided that the rules prescribed by the Representation of the People Acts shall be observed and receive effect with reference to the description of boundaries contained in the said schedule.

6. On the commencement of this Order the Dysart Town Council shall be dissolved and shall cease to exist.

Dissolution of
Dysart Town
Council.

7. A map of the burgh of which nine copies have been signed by Philip Francis Wood Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1899 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 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 and one copy with the Board of Trade 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.

Map of
burgh.

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

Added areas
disjoined
from county.

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—
Added areas
and wards
of burgh.

9.—(1) The burgh of Dysart shall be a new ward of the burgh. The added areas 1 2 and 3 shall be added to and form part of the first ward of the burgh the added area 4 shall be added to and form part of the second ward of the burgh and the added area 5 shall be added to and form part of the third ward of the burgh. The boundaries of the new ward and of the existing wards as so enlarged shall respectively be as set forth and described in the Third Schedule to this Order.

(2) No alteration shall be made in the boundaries of the wards of the burgh for ten years from the commencement of this Order which would result in any alteration in the boundaries of the new ward consisting of the burgh of Dysart.

Number of
councillors.

10. The number of councillors for the new ward shall be three and the town council of Dysart shall before they are dissolved appoint three of their number to represent the new ward on the Corporation until the election next succeeding the commencement of this Order. In default of their doing so the Corporation may themselves appoint three residents in the burgh of Dysart for the purpose. The Corporation shall after the first election of councillors for the Dysart Ward fix the order of retiral of the members representing the same but the number of councillors for the existing wards as so enlarged shall remain the same as at the commencement of this Order and the councillors then representing the said wards shall continue to represent the same as enlarged until they retire by rotation as is by statute provided.

Corpora-
tion to
administer
affairs of
burgh.

11. 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 shall stand previous 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 shall have lawfully belonged to and been 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.

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12. The Corporation and the provost the 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 (civil and criminal) powers rights and authorities which they respectively now have possess and exercise 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 as the same are amended and extended by this Order and all rights and privileges and immunities and obligations at present 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.

Powers of provost magistrates and councillors &c. extended.

13. 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 have possess and exercise 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.

Officers in burgh.

14. Subject to the provisions of this Order and in so far as is necessary to give full effect thereto—

Separate jurisdictions to cease.

(1) All separate magistracies councils commissions authorities and jurisdictions in the burgh of Dysart and the added areas shall cease and determine :

(2) All actions prosecutions or processes in dependence before the police and dean of guild courts of the burgh of Dysart shall be adjudged and disposed of by the courts of the burgh

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to whom by virtue of this Order all such actions prosecutions and processes shall according to the subject matter thereof be transferred :

- (3) All actions prosecutions or processes both in civil and criminal causes before the sheriff courts and the justice of peace courts for the added areas in dependence at the commencement of this Order shall be adjudged and finally disposed of by the said sheriff courts and justice of peace courts notwithstanding anything in this Order to the contrary.

Representa-
tion of burgh
of Dysart
on county
council to
cease.

15. The two members representing the burgh of Dysart on the county council in accordance with the Order by the Secretary of State dated the thirtieth day of October one thousand nine hundred and twenty-nine shall cease to be members of the county council.

Saving as
to Births
Deaths and
Marriages
Acts.

16. 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 Births Deaths and Marriages (Scotland) Acts 1854 to 1910 or the provisions of those Acts with respect to registration districts.

Transfer of
mortifica-
tions &c.

17. 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 or by the town council of Dysart or by the magistrates councillors or office bearers of the burgh of Dysart 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 or the town council of Dysart or the magistrates councillors or office bearers of the burgh of Dysart had before the commencement of this Order.

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18. 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 or leviable within 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 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 and recovered from such person and received and applied by the Corporation for behoof of the burgh.

Property of
existing
burgh
vested in
Corporation.

19.—(1) Subject to the provisions of this Order all property vested in held by or due or belonging to the town council of Dysart the county council or any district committee of the county council 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 town council county council or district committee and shall be received held and enjoyed by the Corporation accordingly.

Property
and liabili-
ties in
added areas
vested in
Corporation.

(2) Subject as in this Order provided all powers duties liabilities debts obligations contracts and agreements of such town council county council or district

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committees in relation to the burgh of Dysart and 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.

Transfer of
common
good of
burgh of
Dysart.

20. The common good of the burgh of Dysart and all property belonging or pertaining to the common good of the said burgh 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 common good of the burgh.

Roads
streets
footpaths
and sewers.

21. All public roads streets highways lanes courts bridges footpavements and footpaths sewers and drains in the burgh of Dysart and the added areas so far as the same are vested in and managed maintained and repaired by the town council of Dysart or the county council or district committee respectively shall by virtue of this Order be transferred to and vested in and 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 footpavements and footpaths sewers and drains within the existing burgh.

Books to be
evidence.

22.—(1) All books documents maps and plans directed or authorised to be kept by the town council of Dysart or the county council or district committees or any of them by any Act or otherwise shall so far as they relate to the burgh of Dysart or 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 town council of Dysart or the county council or district committees.

(2) This section shall not apply to the books documents maps and plans kept by the county council and the district committees which relate to parts of the county of Fife 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 committees shall afford all necessary and reasonable facilities for that purpose.

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23.—(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.

Applica-
tion of
general and
local Acts
and bye-
laws.

(2) All byelaws rules regulations and orders made under the provisions of any Acts or Orders relative to and in force in the burgh of Dysart or the added areas or any part thereof shall cease to have effect except in so far as the same may have been acted upon.

24. The town council of Dysart the county council the district committees or other authority within the burgh of Dysart or 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 burgh of Dysart or 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.

New con-
tracts or
agreements.

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Financial and other adjustments with county council.

25. The financial adjustment as between the Corporation and the county council 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.

Transfer of officers and servants.

26. Section 7 of the Local Government (Scotland) Act 1929 shall with the necessary modifications apply to officers and servants of the town council of Dysart as if the town council were a transferor authority and as if the Corporation were a transferee authority.

Compensation to be paid to town clerk of Dysart.

27. The Corporation shall pay to Walter Herd the present town clerk of Dysart for his loss of office including fees such compensation as may be mutually agreed or failing agreement as shall be fixed by an arbiter to be nominated by the Secretary of State whose decision shall be final.

Corporation may enter into agreements.

28.—(1) Subject and without prejudice to any of the provisions of this Order the Corporation and the county council or district committee 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. The costs of any such arbitration shall be borne as the arbiter shall direct and 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. A.D. 1930.

29. After the commencement of this Order the agreement at present existing between the town council of Dysart and the county council as to the reception of fever patients in the county council hospital shall be and the same is hereby determined. *Termination of agreement as to fever patients.*

30. The powers of the Department of Health for Scotland (hereinafter in this section referred to as "the department") shall operate for the purpose of reconstituting 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 1924 to 1928 provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made. *National insurance committees.*

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

(2) Every person who at the commencement of this Order is resident in the added areas or in the burgh of Dysart and is in course of acquiring a settlement in the county by reason of such residence shall for the purposes

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(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 or in the burgh of Dysart 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 the burgh of Dysart or within another part of the county.

(4) The foregoing provisions of this section shall subject to the necessary modifications apply as respects the status of irremovability under the Poor Law (Scotland) Act 1898 as they apply as respects settlement.

PART III.

WATERWORKS COMMISSIONERS.

Water-works Commissioners.

32. Notwithstanding anything contained in this Order the Waterworks Commissioners shall continue to exercise their functions until the commencement of this Order and thereafter the said Commissioners shall be dissolved and the Corporation shall be and are hereby constituted the authority for carrying the Water Acts into execution in lieu and place of the Waterworks Commissioners and the Water Acts shall be read and have effect accordingly.

Property of Waterworks Commissioners.

33.—(1) Subject to the provisions of this Order the undertaking authorised by the Water Acts and all property vested in held by or due or belonging to the Waterworks Commissioners in terms of the Water Acts shall on and after the commencement of this Order be transferred to and shall by virtue of this Order vest in the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of the Waterworks Commissioners and shall be received and held and enjoyed by the Corporation accordingly and the Corporation may exercise in relation

to the property and rights so transferred to and vested in them all the powers which might have been exercised by the Waterworks Commissioners prior to the commencement of this Order and as regards the said undertaking the Corporation shall be the undertakers under the Water Acts and the Acts incorporated therewith in lieu and in place of the Waterworks Commissioners.

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(2) All debts contracted and all lawful contracts entered into by the Waterworks Commissioners shall remain valid and be binding upon the Corporation as fully as if the same had been contracted and entered into by the Corporation.

34. All officers and servants of the Waterworks Commissioners other than the clerk and treasurer at the commencement of this Order shall hold their respective offices and employments under the Corporation together with the salaries and emoluments attached thereto until lawfully removed therefrom by the Corporation and all such officers and servants shall have the same powers privileges and advantages under and in the execution of this Order and shall be liable to the same penalties obligations restrictions and regulations in every respect as they respectively had and were under prior to the commencement of this Order.

Officers in employment of commissioners continued until removed.

35. The Corporation shall pay to David Beveridge the present clerk to the Waterworks Commissioners and to John Law Herd the present treasurer to the Waterworks Commissioners for their respective loss of office including fees such compensation as may be mutually agreed or failing agreement as shall be fixed by an arbiter to be nominated by the Secretary of State whose decision shall be final.

Compensation to clerk and to treasurer of commissioners for loss of office.

36. After the commencement of this Order the books and all other documents and vouchers of the Waterworks Commissioners and the minutes of their proceedings and of the proceedings of their committees shall be the property of and be delivered to the Corporation and shall be the books documents and vouchers and minutes of the Corporation and in so far as they would be receivable at the commencement of this Order as evidence in all courts and elsewhere shall be receivable in the same manner and to the same effect as if this Order had not been confirmed.

Books and documents to belong to Corporation.

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Former rates may be collected and debts and penalties recovered.

37. Every rate rent charge and assessment which has been imposed and levied by the Waterworks Commissioners previously to the commencement of this Order and remaining unpaid together with all arrears debts expenses and penalties incurred and due by any person shall be recoverable by the Corporation in accordance with the provisions of the respective Acts and Orders under which such rates rents charges and assessments were imposed and penalties incurred.

Extension of compulsory limits of water supply.

38.—(1) The limits of compulsory supply of water by the Corporation under the Water Acts and this Order are subject to the provisions of this Order hereby extended so as to include in addition to the existing burgh and the burgh of Dysart the added areas and the Water Acts are hereby amended accordingly and in the Water Acts the expression “the limits of compulsory supply” shall mean the said limits as so extended.

(2) After the commencement of this Order none of the powers conferred on the Kirkcaldy district committee of the county council of Fife by the Kirkcaldy District Water Order 1913 shall be exercised within the added areas and the powers of the said county council and district committee respectively to assess for water rates in the said areas shall cease.

As to water supply within added areas.

39. Notwithstanding anything to the contrary contained in the Waterworks Clauses Acts 1847 and 1863 or in the Water Acts the Corporation shall not until the expiration of three years from the commencement of this Order be bound within the parts of the added areas formerly part of the county of Fife to provide the supply of water required to be given within the compulsory area except in so far as any such supply is capable of being given by means of the existing pipes therein Provided always that subjects within the said areas which the Corporation do not supply with water shall not during the said period of three years be assessed for the domestic water rate.

PART IV.

GAS.

Adoption of Burghs Gas Supply (Scotland) Act.

40. The resolution passed by the Corporation on the tenth May one thousand nine hundred and nine and approved by them on the fifteenth November one thousand nine hundred and nine adopting the Burghs

Gas Supply (Scotland) Act 1876 in reference to the burgh shall as and from the commencement of this Order be deemed to include the burgh of Dysart also. A.D. 1930.

41.—(1) Section 41 (Commissioners to fix rates for gas) of the Burghs Gas Supply (Scotland) Act 1876 shall not apply to the gas undertaking of the Corporation but in lieu thereof the following provisions shall apply. Corporation to fix rates for gas.

(2) The Corporation shall from time to time fix the price to be paid for gas to be supplied during any succeeding year or half-year and until such price be altered by the Corporation the price so fixed shall remain in force. Provided that the prices charged shall be the same to all consumers in like circumstances and the revenue of the gas undertaking shall be credited with an amount for the gas consumed for public lighting calculated at such reasonable rate not being less than the cost of production of gas as the Corporation may determine.

(3) All moneys received by the Corporation in respect of the gas undertaking on account of revenue shall be applied as follows:—

- (a) In payment of the working and establishment expenses and cost of maintenance of the gas undertaking;
- (b) In payment of the interest on moneys borrowed by the Corporation for purposes of the gas undertaking;
- (c) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for gas purposes;
- (d) In providing if the Corporation think fit a depreciation and renewals fund by setting aside such money as they think reasonable and investing the same in any securities in which they are authorised to invest.

(4) The Corporation may apply the net surplus remaining in any year—

- (a) in reduction of the charges for supply of gas; or
- (b) in reduction of the capital moneys borrowed for gas purposes; or
- (c) in payment of expenses chargeable to capital; or
- (d) in aid of the consolidated rate:

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Provided that the amount which may be applied in aid of the said rate in any year shall not exceed one and a half per cent. of the outstanding debt of the undertaking And further that no sum shall be paid in aid of the said rate unless the depreciation and renewals fund amounts to more than one-twentieth of the aggregate capital expenditure of the undertaking Any deficiency of income in any year may be charged upon and paid out of the said rate.

PART V.

ASSESSMENTS AND FINANCE.

Assessments to be imposed over extended burgh.

42. Subject to the provisions of the Kirkcaldy Corporation Acts the Police Acts the Local Government (Scotland) Act 1929 and this Order the Corporation shall in respect of all lands and heritages within the burgh fix impose assess collect and recover the assessments authorised by the said Acts or any of them and all rates charges and assessments authorised by the Water Acts and any other Act or Order local or personal or public and general in force within the burgh.

Recovery of arrears of rates &c.

43. All rates and assessments which prior to the commencement of this Order shall have been imposed assessed or levied by the Corporation or by the town council of Dysart respectively under and in virtue of any Act or Order and remaining unpaid together with all arrears penalties and costs incurred and due by any person to the Corporation or the town council of Dysart or either of them shall be recoverable by the Corporation in the same way and to the same effect as if the said rates and assessments had been imposed assessed or levied by the Corporation.

Cemetery rate.

44. Notwithstanding anything to the contrary contained in the Kirkcaldy Corporation Acts after the commencement of this Order the expenses of and connected with all the cemeteries in the burgh shall be a charge upon the consolidated rate.

As to upkeep of public halls.

45. If and when at the end of any year the amounts received in respect of the Adam Smith Hall and Beveridge Hall whether under the Kirkcaldy Corporation and Tramways Act 1899 or otherwise are less than the cost

of the upkeep repair alteration maintenance and management of the same the Corporation may make good the deficit out of the consolidated rate so far as such rate is levied upon occupiers Provided that the amount so made good out of the consolidated rate shall not in any one year exceed the amount produced by a rate of one penny in the pound.

A.D. 1930.
—

46. In addition to any powers of borrowing which the Corporation as such or as standing in the place of the town council of Dysart or the Waterworks Commissioners respectively now have and which may be exercised by them the Corporation may borrow for the purposes of this Order to which capital is properly applicable such sum (not exceeding in the whole the amount of such expenditure as may be necessary for satisfying paying and discharging all obligations imposed upon or undertaken by them under this Order and for exercising any of the powers by this Order conferred upon them) as may be ascertained and determined by the Secretary of State by a certificate under his hand and the amount so ascertained and determined shall be borrowed upon the security of the consolidated rate.

Borrowing powers.

47. All mortgage bonds to be granted by the Corporation after the commencement of this Order for moneys borrowed in the exercise of any statutory borrowing power may be in or near to the form contained in the Fourth Schedule to this Order.

Form of bond to be used on borrowing.

48.—(1) The Corporation shall annually set apart out of the appropriate revenues sinking fund contributions at the several rates applicable under the Kirkcaldy Corporation Acts the Water Acts and any other Acts and Orders applicable to the Corporation to the respective purposes for which money has been or may be borrowed and not paid off by other means than by sinking fund.

Sinking fund.

(2) All moneys borrowed by the town council of Dysart the Waterworks Commissioners the county council or district committees or any of them the liability for the repayment of which is transferred to the Corporation under the provisions of this Order shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are

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A.D. 1930. owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

(3) Any money borrowed by the Corporation for the purposes of the section of this Order of which the marginal note is "Financial and other adjustments with county council" shall be repaid within a period of twenty years from the date or dates of borrowing the same.

Application
of section 49
(Power to
borrow
temporarily)
of Burgh
Police
Scotland
Act 1903.

49. 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.

Use of
moneys
forming
part of
sinking and
other funds.

50. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund redemption fund reserve fund depreciation fund superannuation fund or insurance fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund in the same manner as those in respect of other mortgage loans borrowed under the same authority. Provided that nothing in this section shall be held to relieve the Corporation from any obligation under the statutory borrowing power as to borrowing and repayment of loans;

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power;

(c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power. A.D. 1930.
—

51. The following sections of the Kirkcaldy Corporation Order 1929 are hereby repealed viz. :— Repeal of sections of former Order.

Section 22 (Power to use one form of bond for all purposes).

Section 23 (Charge of moneys borrowed).

Section 24 (Establishment of loans fund).

Section 25 (Raising of contributions to loans fund).

Section 26 (Loans fund guarantee rate).

Section 27 (Saving for existing rating limits and exemptions).

Section 31 (Form of accounts).

Section 32 (Apportionment of items).

Section 33 (Rate of accumulation of annual payments to sinking fund for repayment of loans).

Section 38 (Saving for existing mortgages of Corporation).

Section 41 (Power to borrow temporarily).

The Schedule.

PART VI.

MISCELLANEOUS.

52. 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 Applications to court in case of difficulty.

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As to vesting of property transferred to Corporation.

53. 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 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 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.

Actions &c. not to abate.

54.—(1) No action arbitration prosecution or proceeding commenced pending or existing by or against the Waterworks Commissioners the town council of Dysart the county council or the district committees or any of them or any other authority in relation to any powers duties liabilities or property by this Order transferred to the Corporation shall in anywise abate or be discontinued or prejudicially affected by reason of the passing of this Order but may be continued prosecuted and enforced by or in favour of or against the Corporation as successors of the Waterworks Commissioners the town council of Dysart the county council the district committees or any of them or other authority as fully and effectually as if this Order had not been confirmed.

(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 Waterworks Commissioners the town council of Dysart the county council the district committees or any of them or any other authority the Corporation had been a party thereto.

As to appointment of judges of police.

55. 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 burgh of Dysart.

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56. The county of Fife 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 shall for parliamentary purposes remain the same as if this Order had not been confirmed.

A.D. 1930.
—
Saving for election of members of Parliament &c.

57. Subject to the provisions of this Order the inhabitants of the burgh shall have possess and enjoy all the rights benefits immunities duties and advantages which are held possessed and enjoyed by the inhabitants of the two burghs respectively.

Saving of rights.

58. Subject to the provisions of this Order all acts matters and things before the commencement of this Order done under the powers and authorities of any Act public and local and Orders applicable to the burgh the burgh of Dysart and the added areas and the inhabitants thereof and which are at the said date good and valid and available and all conveyances leases mortgages bonds covenants deeds instruments contracts agreements obligations rights and remedies at the commencement of this Order existing under the same shall be and continue as good valid and available for all purposes and for and against all persons as if this Order had not been confirmed.

Saving of agreements &c.

59. The Corporation 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 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 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

Works below high-water mark not to be constructed without consent of Board of Trade.

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A.D. 1930. — and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Crown rights.

60. 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 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.

For protection of Fife Electric Power Company and Fife Tramway Light and Power Company Limited.

61. Nothing in this Order contained shall extend or be deemed or construed to extend the area of supply defined by the Kirkcaldy Electric Lighting Order 1899 nor shall anything in this Order or in the Fife Electric Power Act 1903 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 Act of 1903 or the rights and powers of the Fife Tramway Light and Power Company Limited and the Fife Electric Power Company or either of them under the Fife Electricity Orders 1911 to 1929 for and in relation to the supply of electricity within the burgh of Dysart and the added areas.

Repeal of laws inconsistent with this Order.

62. All laws statutes jurisdictions powers privileges and usages now in force in relation to the burgh of Dysart or the added areas in so far as inconsistent or at variance with the provisions of this Order are subject to the provisions of this Order hereby repealed and extinguished.

Costs of Order.

63. 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. A.D. 1930.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

(Referred to in the section of the Order of which the marginal note is "Extension of boundaries.")

DESCRIPTIONS OF THE BOUNDARIES OF THE ADDED AREAS.

AREA 1.

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 in the parish of Kinghorn in the county of Fife thence proceeding in a south-westerly direction to the eastern side of the said railway on the said road thence proceeding in a northerly direction along the eastern side of the said railway to a point 97 yards north of the Inveriel Road thence in a southerly and easterly direction along the present burgh boundary to low-water mark of ordinary spring tides and thence along the line of low-water mark of ordinary spring tides to the point of commencement.

All in the parish of Kinghorn in the county of Fife:

AREA 2.

Commencing at a point in the parish of Kirkcaldy and Dysart in the county of Fife in the road from Dunfermline to Kirkcaldy where the existing burgh boundary joins that road thence in a northerly direction for a distance of 50 yards from the said road 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 to the burgh boundary 117 yards north-west from the Old Quarry

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A.D. 1930. — thence in a south-easterly and westerly direction along the existing burgh boundary to the point of commencement.

All in the parish of Kirkcaldy and Dysart in the county of Fife.

AREA 3.

Commencing at a point in the parish of Kirkcaldy and Dysart in the county of Fife on the east side of the Long Braes Plantation where the present parliamentary boundary of the Kirkcaldy District Burgh turns from north-west to the north-east thence in an irregular line in a northerly direction on the east side of the said Long Braes Plantation to a point on the road from Lochgelly to Kirkcaldy 81 feet to the north-west of the Sauchenbush Quarry thence in a south-easterly direction along the said road to the point where it crosses the said parliamentary boundary and thence along the said parliamentary boundary to the point of commencement.

All in the parish of 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 in the parliamentary boundary of the Kirkcaldy District Burgh where the road from Lochgelly to Kirkcaldy crosses the same and proceeding in a north-westerly direction along the said road to a point 81 feet north-west of the Sauchenbush Quarry thence in a north-easterly direction in a straight line to the north side of the Oswald Road at a point 552 yards to the south-west of the lodge at the entrance to Dunnikier House thence along the north side of Oswald Road to a point thereon at the south-east corner of the Natural Wood thence in an irregular line in a southerly direction along the centre of the East Den until it comes to the burgh boundary and thence in a south-westerly direction along the burgh boundary 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 in the burgh boundary in the centre of East Den 316 yards south in a straight line from Oswald Road thence in a northerly direction in an irregular line along the centre of the East Den to the point in and on the north side of the Oswald Road at the south-east corner of the Natural Wood thence in a straight line in a north-westerly direction on the east side of the Natural Wood for a distance of 669 yards thence in an irregular line in an easterly direction partly along a stream and partly along an occupation road leading from

Carberry to the property known as Mitchelston to a point 200 yards west of the centre of the road leading from Mitchelston to West Gallatown thence in a straight line in a south-easterly direction to a point in the existing burgh boundary 66 yards north of Oswald Road and 167 yards west of St. Clairtown Pottery and thence along the existing burgh boundary to the point of commencement.

A.D. 1930.

All in the parish of Kirkcaldy and Dysart in the county of Fife.

THE SECOND SCHEDULE.

(Referred to in the section of the Order of which the marginal note is "Extension of boundaries.")

BOUNDARIES OF THE BURGH.

Commencing at a point in the low-water mark of ordinary spring tides at a point where the most easterly boundary of the present burgh of Dysart commences thence in a north-westerly direction along the present boundary of the burgh of Dysart to the London and North Eastern Railway thence in a north-westerly direction along the present boundary of the burgh of Kirkcaldy to a point in the road from Cupar to Kirkcaldy 41 yards south of the southern boundary of the property known as Myregornie thence in a south-westerly direction along the present boundary of the burgh of Kirkcaldy 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 thence in an irregular line in a westerly direction along the said occupation road and a stream there to the east side of the Natural Wood thence in a southerly direction along the east side of the Natural Wood for a distance of 669 yards to the north side of Oswald Road thence along the north side of Oswald Road in a south-westerly direction for 552 yards and thence continuing in a south-westerly direction in a straight line to a point in the road from Lochgelly to Kirkcaldy 81 feet from the north-west of Sauchenbush Quarry thence in a southerly direction in an irregular line along the east side of the Long Braes Plantation to the point where the parliamentary boundary turns from the north-east to the south-east thence in a south-easterly direction along the said parliamentary boundary to a point thereon 117 yards north-west of the Old Quarry thence in a

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All the said boundaries are in the parishes of Kirkcaldy and Dysart and Kinghorn in the county of Fife.

THE THIRD SCHEDULE.

(Referred to in the section of the Order of which the marginal note is "Added areas and wards of burgh.")

DESCRIPTION OF BOUNDARIES OF NEW WARD TO BE KNOWN AS DYSART WARD.

Commencing at a point in the low-water mark of ordinary spring tides at the point where the most easterly boundary of the present burgh of Dysart commences thence in a north-westerly direction along the boundary of the present burgh of Dysart to the London and North Eastern Railway thence to a point on the west side of the said railway to which the boundary of the burgh of Dysart extended and thence in a southerly and south-westerly direction along the present boundary of the burgh of Dysart to the east side of bridge over 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 north-easterly direction along the said low-water mark to the point of commencement.

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DESCRIPTION OF BOUNDARY OF FIRST WARD AS ALTERED AND ENLARGED. A.D. 1930.

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 and thence proceeding in a south-westerly direction to the eastern side of the said railway on the said road thence proceeding in a north-westerly direction along the eastern side of the said railway to a point 97 yards north of Inveriel Road thence along the burgh boundary to the road from Dunfermline to Kirkcaldy thence in a northerly direction for a distance of 50 yards and 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 to the burgh boundary 117 yards north-west from the Old Quarry thence along the burgh boundary to a point on the east side of the Long Braes Plantation 909 yards from the said Old Quarry thence in an irregular line in a northerly direction on the east side of the said Long Braes Plantation to a point on the road from Lochgelly to Kirkcaldy 81 feet to the north-west of the Sauchenbush Quarry thence in a south-easterly and easterly direction along the said road to its junction with Victoria Road thence along the centre of Bennoch Road and Wemyss field to its junction with East Fergus Place thence along the centre of Whytes causeway to its junction with High Street thence in a northerly direction along the centre of High Street to its junction with Rose Street and thence in a south-easterly direction along the centre of Rose Street to a point in the low-water mark of ordinary spring tides 227 yards south-east from the building line of Esplanade at 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.

DESCRIPTION OF BOUNDARY OF SECOND WARD AS ALTERED AND ENLARGED.

Commencing at a point in the low-water mark of ordinary spring tides 227 yards south-east from the building line of Esplanade at foot of Rose Street and proceeding along the northern boundary of first ward as before described to the point on the road from Lochgelly to Dunfermline 81 feet north-west of Sauchenbush Quarry thence in a straight line to a point on the north side of Oswald Road 552 yards from the south-west of the lodge at the entrance to Dunnikier House thence along the north side of Oswald Road to a point thereon at the south-east corner of the Natural Wood thence in a southerly direction in an irregular line along the course of the East Burn to a point at the south of Holmes Maltings thence in a south-easterly direction to a point in the low-water mark of ordinary spring

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tides 290 yards south-east of the southern boundary of Holmes Maltings and thence in a southerly direction along the line of low-water mark of ordinary spring tides to east pier thence in a southerly direction to its southern extremity thence north-eastwards across the mouth of the harbour to the south side of the south pier and thence to low-water mark of ordinary spring tides and continuing to the point of commencement.

DESCRIPTION OF BOUNDARY OF THIRD WARD AS ALTERED AND ENLARGED.

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 second ward as before described from the said point to the north side of Oswald Road at the south-east corner of the Natural Wood thence in a straight line in a north-easterly direction along the eastern side of the Natural Wood for a distance of 669 yards thence in an easterly direction in an irregular line partly along a stream and partly along an occupation road leading from Carberry to the property known as Mitchelston to a point 200 yards west of the centre of the road leading from Mitchelston to West Gallatown thence in a straight line in a south-easterly direction to a point in the existing burgh boundary 60 yards north of Oswald Road and 167 yards west of St. Clairtown Pottery thence in a north-easterly direction and a south-easterly direction along the present burgh boundary to the point where the Dysart burgh boundary crosses the said London and North Eastern Railway thence in a southerly south-westerly and southerly direction along the boundary of the Dysart ward as before described and thence in a southerly direction along the line of low-water mark to the point of commencement.

THE FOURTH SCHEDULE.

FORM OF MORTGAGE BOND.

ROYAL BURGH OF KIRKCALDY.

Number

By virtue of the Local Government (Scotland) Act 1929 and the Kirkcaldy Corporation Order 1930 and of other powers in that behalf—

We the royal burgh of Kirkcaldy (hereinafter in these presents referred to as "the Corporation") in consideration

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of the sum of
advanced and paid to us by *C.D.* of *E.* do hereby bind and oblige
the said burgh out of the first and readiest of the moneys to
be raised under the annual burgh-rates and assessments authorised
to be imposed and levied by the said burgh under public Acts
and local Acts and Orders including the Order above-mentioned
to pay at the term of _____ to the said *C.D.*
his executors or assignees the said sum of
and also the interest thereof at the rate of
per centum per annum at the terms of Whitsunday and Martinmas
in each year till the said sum is paid and for the further security
of the said *C.D.* we do hereby assign to him his executors or
assignees such proportion of the said moneys to be raised under
the said annual rates and assessments and of the revenues of
the Corporation from time to time arising from any undertakings
land or other property for the time being of the Corporation
as shall be equivalent to the said sum now paid to us and the
interest thereon as aforesaid and for and in respect of the said
interest we the Corporation 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 *C.D.* 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 we consent to the registration hereof for
preservation and execution In witness whereof these presents
are subscribed and sealed at a meeting of the Corporation held
at Kirkcaldy upon the _____ day of _____ one thousand
nine hundred and _____ years before these witnesses :—

(Witness)

Provost or chairman or councillor.

(Witness)

Town clerk.

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